

JK

1304

1852



Class J1T1304

Book 1852

1

CONSTITUTION
OF THE
UNITED STATES OF AMERICA,

AS
PROPOSED BY THE CONVENTION

HELD AT PHILADELPHIA, SEPTEMBER 17, 1787, AND SINCE RATIFIED BY
THE SEVERAL STATES;

WITH THE AMENDMENTS THERETO:

TO WHICH ARE ADDED

STANDING RULES AND ORDERS

FOR CONDUCTING BUSINESS IN THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AND

THE RULES OF THE SENATE.

PRINTED FOR THE USE OF THE HOUSE OF REPRESENTATIVES.

WASHINGTON:
ROBERT ARMSTRONG, PRINTER.

1852.

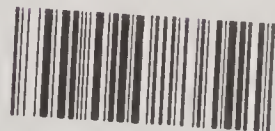
JK1304
1852

BY TRANSFER

JUN 20 1909



LC Control Number



tmp96 027249

THE
CONSTITUTION
OF
THE UNITED STATES OF AMERICA.

CONSTITUTION.

WE, the people of the United States, in order to Preamble.
form a more perfect union, establish justice, in-
sure domestic tranquillity, provide for the com-
mon defence, promote the general welfare, and
secure the blessings of liberty to ourselves and
our posterity, do ordain and establish this Con-
stitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be Congress.
vested in a Congress of the United States, which
shall consist of a Senate and House of Represent-
atives.

SECTION II.

The House of Representatives shall be com-
posed of members chosen every second year by Representa-
tives, how
chosen.
the people of the several States, and the electors
in each State shall have the qualifications requisite
for electors of the most numerous branch of the
State legislature.

No person shall be a Representative who shall Qualification
of representa-
tives.
not have attained the age of twenty-five years,

and have been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment of representatives and direct taxes.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

Census every ten years.

Vacancies, how filled.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Representatives choose officers and bring impeachments.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Senate, how chosen.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Senators classed.

Vacancies, how filled.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Qualification of Senators.

The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

Vice President to preside.

Officers of
Senate.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

Trial of im-
peachments.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in
impeach-
ments.

Effect of.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION IV.

Elections,
when and
how held.

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Congress as-
semble an-
nually.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each house shall be the judge of the elections, Elections, how judged. returns and qualifications of its own members, and a majority of each shall constitute a quorum Quorum. to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in Absent members. such manner, and under such penalties as each house may provide.

Each house may determine the rules of its Rules. proceedings, punish its members for disorderly behaviour, and with the concurrence of two- Expulsion. thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, Journals to be kept and published. excepting such parts as may in their judgment require secrecy; and the yeas and nays of the Yeas and nays. members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, Adjournments. shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive Compensation. a compensation for their services, to be ascertained by law, and paid out of the Treasury of

Privileges. the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Members not appointed to office. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Officers of government cannot be members.

SECTION VII.

Revenue bills. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Bills to be presented to the President. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after

His powers over them.

Proceedings on his veto.

such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Bills to be laws if not returned in ten days.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Joint orders or resolutions to be approved by the President.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay

Powers of Congress to lay taxes—pay debts.

- the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States;
- General welfare.**
Duties uniform.
- Borrow money.** To borrow money on the credit of the United States;
- Commerce.** To regulate commerce with foreign nations and among the several States, and with the Indian tribes;
- Naturalization.**
Bankruptcy. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
- Coin money.** To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
- Weights and measures.**
- Counterfeiting.** To provide for the punishment of counterfeiting the securities and current coin of the United States;
- Post roads.** To establish post offices and post roads;
- Promote arts and science.** To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;
- Inferior courts.** To constitute tribunals inferior to the Supreme Court;
- Piracies, &c.** To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;
- Declare war, and make captures.** To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years; Raise armies.

To provide and maintain a navy; Navy.

To make rules for the government and regulation of the land and naval forces; Rules and articles of war.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; Call out militia.

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress; Organize and govern militia.

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and Exclusive legislation over seat of government, And over forts, arsenals, docks, &c.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. To make general laws to carry powers into effect.

SECTION IX.

Importation
of slaves
allowed till
1808.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas cor-
pus.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Attainder and
ex post facto
laws.

No bill of attainder or ex post facto law shall be passed.

Direct taxes.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No exporta-
tion duty.

No tax or duty shall be laid on articles exported from any State.

Commeree
between the
States.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

Money, how
drawn from
the treasury.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

To be pub-
lished.

No nobility.

No title of nobility shall be granted by the United States: and no person holding any office

of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state.

Foreign presents and titles.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Powers denied to the States.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Other powers denied to States.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Further denial of powers to States.

ARTICLE II.

SECTION I.

President of
the United
States.

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

Electors, how
appointed.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Electors to
meet and to
elect a Pre-
sident and
Vice Presi-
dent.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number

Their votes
counted in
Congress.

be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.*

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to

* This clause of the Constitution has been amended. See twelfth article of the amendments, page 33.

the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Removal,
death, &c.,
of President.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Compensa-
tion of Pre-
sident.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

Oath.

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect and defend the Constitution of the United States.”

SECTION II.

The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

Further powers and duties of the President.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

Impeachment.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

Judiciary, and tenure of judges.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated

times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases, Powers of the judiciary. in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public Jurisdiction of Supreme Court. ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of im- Trials by jury. peachment, shall be by jury; and such trial shall

And where
held.

be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No corrup-
tion of blood.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Acts of
States ac-
credited.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. . And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

Privileges of
citizenship.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives
from justice
to be deliv-
ered up.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Fugitive
slaves to be
delivered up.

SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

New States.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Territory and
other proper-
ty of United
States.

SECTION IV.

Republican
form of gov-
ernment.

Protection of
States.

The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the Executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

Amendments
of this Con-
stitution.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

Debts of former government recognised.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

What constitutes the supreme law.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Oath of public officers.

No religious test.

ARTICLE VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Ratification.

Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEO: WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

PENNSYLVANIA.

B. Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouv. Morris.

DELAWARE.

Geo. Read,
Gunning Bedford, jun.,
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.

James McHenry,
Dan. of St Thomas Jenifer,
Daniel Carroll.

VIRGINIA.

John Blair,
James Madison, jun.

NORTH CAROLINA.

William Blount,
Rich'd Dobbs Spaight,
Hu. Williamson.

SOUTH CAROLINA.

J. Rutledge,
Charles Coatesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.

William Few,
Abr. Baldwin.

Attest:

WILLIAM JACKSON, *Secretary.*

P R O C E E D I N G S

OF THE

CONVENTION WHICH FORMED THE CONSTITUTION.

IN CONVENTION.MONDAY, *September 17, 1787.*

Resolved, That the preceding Constitution be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention that, as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution; that, after such publication, the electors should be appointed, and the Senators and Representatives elected; that the electors should meet on the day fixed for

the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention:

GEO: WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

LETTER OF THE CONVENTION TO THE OLD CONGRESS.

.IN CONVENTION.

SEPTEMBER 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union: but the impropriety of delegating such extensive

trust to one body of men is evident; hence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and, on the present occasion, this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not, perhaps, to be expected; but each will doubtless consider that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as

few exceptions as could reasonably have been expected, we hope and believe. That it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your Excellency's most obedient, humble servants.

By unanimous order of the Convention:

GEO: WASHINGTON, *President.*

His Excellency the PRESIDENT OF CONGRESS.

PROCEEDINGS IN THE OLD CONGRESS.

UNITED STATES IN CONGRESS ASSEMBLED.

FRIDAY, *September 28, 1787.*

Present—New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia; and from Maryland, Mr. Ross.

Congress having received the report of the Convention lately assembled in Philadelphia—

Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case.

CHARLES THOMSON, *Secretary.*

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and

transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

INDEX

TO THE

CONSTITUTION OF THE UNITED STATES.

A.

	Art.	Sec.	Page.
<i>Arts and sciences</i> , to be promoted	1	8	12
<i>Acts</i> , records, and judicial proceedings of each State, entitled to faith and credit in other States	4	1	22
<i>Amendments</i> to the Constitution, how made	5	1	24
made			31
<i>Appointments</i> to be made by the President	2	2	19
<i>Apportionment</i> of Representatives	1	2	6
<i>Appropriations</i> by law	1	9	14
<i>Appropriation for army</i> not to exceed two years	1	8	13
<i>Armies</i> , Congress to raise and support	1	8	13
<i>Arms</i> , right of the people to keep and bear			31
<i>Assemble</i> , people may			31
<i>Attainder</i> , bill of, prohibited to Congress	1	9	14
prohibited to the States	1	10	15
of treason shall not work corruption of blood or forfeiture, except during the life of the person attainted	3	3	22

B.

<i>Bail</i> , excessive, not required			33
<i>Bankruptcy</i> laws to be uniform	1	8	12
<i>Bills</i> for raising revenue shall originate in the House of Rep- resentatives	1	7	10
before they become laws, shall be passed by both houses and approved by the President; or, if disapproved, shall be passed by two-thirds of each house	1	7	10

	Art.	Sec.	Page.
<i>Bills</i> not returned in ten days, unless an adjournment intervene, shall be laws.....	1	7	11
<i>Borrow money</i> , Congress may.....	1	8	12

C.

<i>Capitation tax</i> , apportionment of	1	9	14
<i>Census</i> , or enumeration, to be made every ten years.....	1	2	6
<i>Citizens</i> of each State shall be entitled to the privileges and immunities of citizens in the several States.....	4	2	22
<i>Claims</i> , no prejudice to certain.....	4	3	23
<i>Claims</i> , of the United States, or of the several States, not to be prejudiced by any construction of the Constitution.....	4	3	23
<i>Coasting trade</i> , regulations respecting.....	1	9	14
<i>Coins</i> , Congress fix value of foreign.....	1	8	12
<i>Commerce</i> , Congress to regulate.....	1	8	12
regulations respecting, to be equal and uniform..	1	9	14
<i>Commissions</i> to be granted by the President.....	2	3	20
<i>Common law</i> , recognised and established, 7th amendment...			32
<i>Congress</i> vested with power.....	1	1	5
may alter the regulations of State legislatures concerning elections of Senators and Representatives, except as to <i>place</i> of choosing Senators.....	1	4	8
shall assemble once every year.....	1	4	8
officers of government cannot be members of.....	1	6	10
may provide for cases of removal, death, &c., of President and Vice President.....	2	1	18
may determine the time of choosing electors of President and Vice President.....	2	1	17
may invest the appointment of inferior officers in the President alone, in the courts of law, or the heads of departments.....	2	2	19
may establish courts inferior to the Supreme Court.	3	1	20
may declare the punishment of treason.....	3	3	22
may prescribe the manner of proving the acts and records of each State.....	4	1	22
to assent to the formation of new States.....	4	3	23

	Art.	Sec.	Page.
<i>Congress</i> may propose amendments to Constitution or call a			
convention.....	5	1	24
to lay and collect duties.....	1	8	11
to borrow money	1	8	12
to regulate commerce.....	1	8	12
to establish uniform laws of bankruptcy and natu- ralization	1	8	12
to coin money, regulate the value of coin, and fix a standard of weights and measures.....	1	8	12
to punish counterfeiting.....	1	8	12
to constitute tribunals <i>inferior</i> to the Supreme Court.....	1	8	12
to define and punish piracies, felonies on the high seas, and offences against the laws of nations....	1	8	12
to establish post offices and post roads.....	1	8	12
to authorize patents to authors and inventors.....	1	8	12
to declare war, grant letters of marque, and make rules concerning captures.....	1	8	12
to raise and support armies.....	1	8	13
to provide and maintain a navy.....	1	8	13
to make rules for the government of the army and navy	1	8	13
to call out the militia in certain cases.....	1	8	13
to organize, arm and discipline militia.....	1	8	13
to exercise exclusive legislation over seat of gov- ernment	1	8	13
to pass laws necessary to carry the enumerated powers into effect.....	1	8	13
to dispose of and make rules concerning the terri- tory or other property of the United States.....	4	3	23
President may convene and adjourn in certain cases.	2	3	20
<i>Constitution</i> , how amended.....	5	1	24
laws and treaties, declared to be the supreme law.....	6	1	25
rendered operative by the ratification of nine States	7	1	25
<i>Contracts</i> , no law impairing.....	1	10	15

	Art.	Sec.	Page.
<i>Conventions</i> for proposing amendments to the Constitution...	5	1	24
<i>Counterfeiting</i> , Congress to provide for punishment.....	1	8	12
<i>Court</i> , Supreme, its original and appellate jurisdiction.....	3	2	21
<i>Courts</i> , inferior to the Supreme Court, may be ordained by Congress.....	1	8	12
Ditto.....ditto.....	3	1	20
<i>Crimes</i> , persons accused of, fleeing from justice, may be de- manded.....	4	2	23
how to be tried.....	3	2	21
<i>Criminal prosecutions</i> , proceedings in cases of.....			32

D.

<i>Debts</i> against the confederation to be valid.....	6	1	25
<i>Duties</i> to be laid by Congress, and to be uniform.....	1	8	11
further provision respecting.....	1	9	14
cannot be laid by the States.....	1	10	15
on exports prohibited.....	1	9	14
on imports and exports imposed by States, shall enure to the treasury of the United States.....	1	10	15

E.

<i>Elections</i> of Senators and Representatives shall be prescribed by the States.....	1	4	8
qualifications and returns of members of Congress to be determined by each house.....	1	5	9
<i>Electors</i> of President and Vice President, how chosen, and their duties.....	2	1	16
altered, see 12th amendment.....			33
to vote the same day throughout the United States.	2	1	17
no Senator, or Representative, or public officer, shall serve as.....	2	1	16
<i>Enumeration</i> , every ten years.....	1	2	6
<i>Executive power</i> vested in a President. (See <i>President</i> .)....	2	1	16
<i>Exports</i> , not to be taxed.....	1	9	14
and imports, States prohibited from laying duties on.	1	10	15
<i>Ex post facto law</i> , none shall be passed.....	1	9	14
prohibited to States.....	1	10	15

F.

	Art.	Sec.	Page.
<i>Fines, excessive, prohibited</i>			33
<i>Fugitives from justice, to be delivered up</i>	4	2	23
<i>from service, may be reclaimed</i>	4	2	23

H.

<i>Habeas corpus, writ of, can only be suspended in cases of rebellion or invasion</i>	1	9	14
<i>House of Representatives. (See Representatives.)</i>			

I.

<i>Impeachment, to be brought by House of Representatives</i>	1	2	7
<i>tried by the Senate</i>	1	3	8
<i>judgment on</i>	1	3	8
<i>all civil officers liable to</i>	2	4	20
<i>Importation of slaves, not prohibited till 1808</i>	1	9	14

J.

<i>Judges shall hold their offices during good behaviour</i>	3	1	20
<i>their compensation</i>	3	1	20, 21
<i>Judiciary, tribunals inferior to Supreme Court may be created</i> .	1	8	12
<i>Judicial power vested in a Supreme Court, and courts inferior</i>	3	1	20
<i>powers of the judiciary</i>	3	2	21
<i>restriction as to suits against a State</i>			33
<i>Judicial proceedings of each State are entitled to faith and credit in every State</i>	4	1	22
<i>Jury trial secured, and shall be held in the State where the crime shall have been committed</i>	3	2	21, 22
<i>further regulated, 6th amendment</i>			32
<i>secured in suits at common law where the value in controversy shall exceed twenty dollars, 7th amendment</i>			32

L.

<i>Law, what is declared the supreme</i>	6	1	25
<i>Law, common, recognised and established, 7th amendment</i> ...			32
<i>Laws, President to see them faithfully executed</i>	2	3	20
<i>Legislative powers, vested in Congress. (See Congress.)</i>			
<i>Loans, authority to make</i>	1	8	12

M.

	Art.	Sec.	Page.
<i>Marque and reprisal</i> , letters of.....	1	8	12
<i>Militia</i> to be called out.....	1	8	13
to be officered by the States.....	1	8	13
to be commanded by the President.....	2	2	19
their right to keep and bear arms secured, 2d amend- ment.....			31
<i>Money</i> shall be drawn from the treasury only by appropriation laws	1	9	13
Congress to coin and regulate value of.....	1	8	12
States cannot make.....	1	10	15

N.

<i>Naturalization</i> , uniform rules of.....	1	8	12
<i>Navy</i> , Congress to provide and govern.....	1	8	13
<i>Nobility</i> , titles of, shall not be granted by the United States..	1	9	14
nor by the States.....	1	10	15

O.

<i>Officers</i> of the House of Representatives shall be chosen by the House.....	1	2	5
of the Senate shall be chosen by the Senate.....	1	3	7
civil, may be removed by impeachment.....	2	4	20
<i>Order</i> of one House, requiring the concurrence of the other..	1	7	10
<i>Oath</i> of the President.....	2	1	18
of the public officers.....	6	1	25

P.

<i>Pardons</i> , President may grant.....	2	2	19
<i>Patents</i> to be granted to inventors.....	1	8	12
<i>Petition</i> , right of.....			31
<i>Persons</i> held to service or labor, their importation or migra- tion into the United States may be prohibited after 1808	1	9	14
escaping from one State to another, shall be delivered up to those entitled to service.....	4	2	23
<i>Piracy</i> , Congress to prescribe punishment.....	1	8	12
<i>Post offices and post roads</i> , establishment of.....	1	8	12

	Art.	Sec.	Page.
<i>Powers</i> not delegated to Congress, nor prohibited to the States, are reserved, 10th amendment.....			33
Legislative. (See <i>Congress</i> .)			
Executive. (See <i>President</i> .)			
Judicial. (See <i>Judicial</i> .)			
<i>Presents</i> from foreign powers to public officers prohibited...	1	9	15
<i>Press</i> , freedom of.....			31
<i>President of the U. S.</i> vested with the Executive power.....	2	1	16
shall be chosen for four years.....	2	1	16
how elected.....	2	1	16
same, 12th amendment.....			33, 34
qualifications for.....	2	1	17
who shall act in case of vacancy.....	2	1	18
compensation of.....	2	1	18
shall take an oath of office.....	2	1	18
may be removed by impeachment.....	2	4	20
<i>President</i> , commander of army, navy and militia.....	2	2	19
may require the written opinions of the heads of departments	2	2	19
may reprieve and pardon.....	2	2	19
may make treaties with consent of the Senate.....	2	2	19
may appoint to office with consent of the Senate..	2	2	19
shall fill up vacancies happening during the recess of the Senate.....	2	2	19
shall give information to Congress and recommend measures.....	2	3	20
may convene both houses, or either house.....	2	3	20
may adjourn them in case of disagreement.....	2	3	20
shall receive ambassadors and public ministers....	2	3	20
shall take care that the laws be faithfully executed.	2	3	20
shall commission all officers.....	2	3	20
<i>Privileges</i> and immunities of members of Congress.....	1	6	10
of citizens. (See <i>Citizens</i> , also <i>Rights</i> .)			
<i>Property</i> , Congress to provide for care of public.....	4	3	23
shall not be taken for public use without just compensation, 5th amendment.....			32
<i>Punishments</i> , cruel and unusual, prohibited.....			33

Q.

	Art.	Sec.	Page.
<i>Quorum</i> for business, what shall be a.....	1	5	9
of States in choosing a President by the House of Representatives.....	2	1	17
<i>Quartered</i> , no soldier to be quartered on a citizen.....			31

R.

<i>Receipts</i> and expenditures, accounts of, to be published.....	1	9	14
<i>Records</i> , how to be authenticated.....	4	1	22
<i>Religion</i> , no law to be made, free exercise of.....			31
religious test not required.....	6	.	25
<i>Reprieves</i> , granted by the President.....	2	2	19
<i>Representatives, House of</i> , composed of members chosen every second year.....	1	2	5
qualifications of voters.....	1	2	5
qualifications of members.....	1	2	5, 6
apportionment of.....	1	2	6
vacancies, how supplied.....	1	2	6
shall choose their officers.....	1	2	7
shall have the power of impeachment.....	1	2	7
shall be the judge of the election and qualifications of its members.....	1	5	9
what shall be a quorum.....	1	5	9
any number may adjourn, and compel the attend- ance of absentees.....	1	5	9
may determine the rules of proceeding.....	1	5	9
may punish or expel a member.....	1	5	9
shall keep a journal and publish the same.....	1	5	9
shall not adjourn for more than three days, nor to any other place, without the consent of the Senate.....	1	5	9
one-fifth may require the yeas and nays.....	1	5	9
shall originate bills for raising revenue.....	1	7	10
compensation to be ascertained by law.....	1	6	9
privileged from arrest, except in certain cases...	1	6	10
<i>Representatives</i> shall not be questioned for speech or debate in the House.....	1	6	10

	Art.	Sec.	Page.
<i>Representatives</i> shall not be appointed to office.....	1	6	10
shall not serve as electors of President.....	2	1	16
and direct taxes apportioned according to numbers.....	1	2	6
<i>Representation</i> of a State, vacancies in, supplied until a new election by executive authority.....	1	2	6
<i>Resolution</i> , order, or vote, requiring the concurrence of both houses, to undergo the formalities of bills....	1	7	11
<i>Revenue bills</i> , to originate in the House of Representatives..	1	7	10
<i>Rights of the citizen</i> declared to be—			
privileges of citizens of the several States....	4	2	22
liberty of conscience in matters of religion....			31
freedom of speech and of the press.....			31
to assemble and petition.....			31
to keep and bear arms.....			31
to be exempt from the quartering of soldiers.			31
to be secure from unreasonable searches and seizures.			31
to be free from answering for a crime, unless on presentment or indictment of a jury....			32
not to be twice jeopardized for the same offence.			32
not to be compelled to be a witness against himself			32
not to be deprived of life, liberty, or property without due course of law.....			32
private property not to be taken for public use.			32
in criminal prosecutions, shall enjoy the right of a speedy trial by jury, with all the means necessary for his defence.....			32
in civil cases, trial to be by a jury, and shall only be re-examined according to common law.....			32
excessive bail shall not be required, excessive fines imposed, nor cruel or unusual punish- ments inflicted.....			33
enumeration of certain rights shall not operate against retained rights.....			33
<i>Rules</i> , each House shall determine its own.....	1	5	9

S.

	Art.	Sec.	Page.
<i>Seat of government</i> , exclusive legislation.....	1	8	13
<i>Searches and seizures</i> , security against.....			31
<i>Senate</i> , composed of two Senators from each State.....	1	3	7
how chosen, classed, and terms of service.....	1	3	7
qualifications of Senators.....	1	3	7
Vice President to be President of the.....	1	3	7
shall choose their officers.....	1	3	8
shall be the judge of the elections and qualifications of its members.....	1	5	9
what number shall be a quorum.....	1	5	9
any number may adjourn, and compel attendance of absentees.....	1	5	9
may determine its rules.....	1	5	9
may punish or expel a member.....	1	5	9
shall keep a journal, and publish the same, except parts requiring secrecy.....	1	5	9
shall not adjourn for more than three days, nor to any other place, without the consent of the other house.....	1	5	9
one-fifth may require the yeas and nays.....	1	5	9
may propose amendments to bills for raising revenue.	1	7	10
shall try impeachments.....	1	3	8
effect of their judgment on impeachment.....	1	3	8
compensation to be ascertained by law.....	1	6	9
privileged from arrest.....	1	6	10
not questioned for any speech or debate.....	1	6	10
shall not be appointed to office.....	1	6	10
Senator shall not be elector.....	2	1	16
<i>Senators and Representatives</i> , elections of, how prescribed....	1	4	8
<i>Slaves</i> , their importation may be prohibited after 1808.....	1	9	14
escaping from one State to another may be reclaimed.	4	2	23
<i>Soldiers</i> not quartered on citizens.....			31
<i>Speaker</i> , how chosen.....	1	2	7
<i>Speech</i> , freedom of.....			31
<i>States prohibited from—</i>			
entering into treaty, alliance, or confederation.....	1	10	
granting letters of marque.....	1	10	15

	Art.	Sec.	Page.
<i>States prohibited from—</i>			
coining money.....	1	10	15
emitting bills of credit.....	1	10	15
making anything a tender but gold and silver coin..	1	10	15
passing bills of attainder, ex post facto laws, or laws impairing contracts.....	1	10	15
granting titles of nobility.....	1	10	15
laying duties on imports and exports.....	1	10	15
laying duties on tonnage.....	1	10	15
keeping troops or ships of war in time of peace.....	1	10	15
entering into any agreement or contract with another State or a foreign power.....	1	10	15
engaging in war.....	1	10	15
<i>States, new, may be admitted into the Union.....</i>	4	3	23
may be formed within the jurisdiction of others, or by the junction of two or more, with the consent of Congress and the legislatures concerned.....	4	3	23
<i>State judges bound to consider treaties, the Constitution, and the laws under it, as supreme.....</i>	6		25
<i>State, every, guarantied a republican form of government, protected by United States.....</i>	4	4	24
<i>Supreme Court. (See Court and Judiciary.)</i>			
<i>Suits at common law, proceedings.....</i>			32

T.

<i>Tax, direct, according to representation.....</i>	1	2	6
shall be laid only in proportion to census.....	1	9	14
<i>Tax on exports, prohibited.....</i>	1	9	14
<i>Tender, what shall be a legal.....</i>	1	10	15
<i>Territory, or public property, Congress may make rules con- cerning</i>	4	3	23
<i>Test, religious, shall not be required.....</i>	6		25
<i>Titles. (See Nobility.)</i>			
<i>Title from foreign State prohibited.....</i>	1	9	15
<i>Treason defined.....</i>	3	3	22
two witnesses, or confession, necessary for conviction	3	3	22
punishment of, may be prescribed by Congress.....	3	3	22

	Art.	Sec.	Page.
<i>Treasury</i> , money drawn from, only by appropriation.....	1	9	14
<i>Treaties</i> , how made	2	2	19
the supreme law.....	6		25
States cannot make.....	1	10	15

V.

<i>Vacancies</i> happening during the recess, may be filled temporarily by the President.....	2	2	19
in representation in Congress, how filled.....	1	2	6
<i>Veto of the President</i> , effect of, and proceedings on.....	1	7	10
<i>Vice President of the United States</i> —			
to be President of the Senate.....	1	3	7
how elected.. ..	2	1	17
amendment.....			33, 34
shall, in certain cases, discharge the duties of President.....	2	1	18
may be removed by impeachment.....	2	4	20
<i>Vote</i> of one house requiring concurrence of the other.....	1	7	10

W.

<i>War</i> , Congress to declare.....	1	8	12
<i>Warrants</i> for searches and seizures, when and how they shall issue, 4th amendment.....			31
<i>Witness</i> , in criminal cases, no one compelled to be against himself, 5th amendment.....			32
<i>Weights and measures</i> , standard of.....	1	8	12

Y.

<i>Yeas and nays</i> , entered on Journal.....	1	5	9
--	---	---	---

RULES AND ORDERS

OF THE

HOUSE OF REPRESENTATIVES,

AS IN FORCE

DURING THE SECOND SESSION

OF

THE THIRTY-SECOND CONGRESS.

STANDING RULES AND ORDERS

FOR CONDUCTING BUSINESS IN THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.—*April 7, 1789.*

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members—*April 7, 1789*; on which appeal no member shall speak more than once, unless by leave of the House.*—*December 23, 1811.*

3. He shall rise to put a question, but may state it sitting.—*April 7, 1789.*

* Difficulties have often arisen as to a supposed discrepancy between the appeal contemplated in this rule and that referred to in rule 35. There is no discrepancy. The question of order mentioned in the second rule relates to motions or propositions, their applicability or relevancy, or their admissibility on the score of time, or in the order of business, &c. The "call to order" mentioned in rule 35, on which, in case of an appeal, there can be no debate, has reference only to "transgressions of the rules in speaking," or to indecorum of any kind. See also rule 51, in which debate on an appeal, pending a call for the previous question, is prohibited.

4. Questions shall be distinctly put in this form, to wit:

“As many as are of opinion that (as the question may be) say *Ay* ;” and after the affirmative voice is expressed, “As many as are of the contrary opinion, say *No* ;” If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.* If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House.—*April 7, 1789.* No division and count of the House by tellers shall be in order, but upon motion seconded by at least one-fifth of a quorum of the members.—*September 15, 1837.*

5. When any motion or proposition is made, the question, “Will the House now consider it?” shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.—*December 12, 1817.*

6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.—*December 23, 1811.*

* The manner of dividing the House, as originally established by the rule of April 17, 1789, was, that the members who voted in the affirmative went to the right of the Chair, those in the negative to the left. This was, doubtless, taken from the old practice of the House of Commons of England. The passing of the members to and fro across the House was found so inconvenient, and took up so much time, that the mode of dividing the House was, on the 9th of June, 1789, changed to the present form, the members of each side of the question rising in their seats and being there counted.

7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot;* and if upon such ballot the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.—*January 13, 1790.*

8. The first named member of any committee shall be the chairman; and in his absence, or being excused by the House, the next named member, and so on, as often as the case shall happen, unless the committee, by a majority of their number, elect a chairman†.—*December 28, 1805.*

* The rule, as originally adopted April 17, 1789, directed that the Speaker should appoint all committees, unless the number was directed to consist of more than three members; in which case, the ballot was to be resorted to.

† The occasion of this rule was this: Mr. John Cotton Smith, of Connecticut, had been chairman of the Committee of Claims for several years, and on the 5th November, 1804, was reappointed. On the succeeding day he was excused from service on the committee, and his colleague, Samuel W. Dana, was appointed "in his stead." The committee considered Mr. Dana its chairman; he declined to act, contending that he was the tail. Being unable to agree, the committee laid the case before the House on the 20th November. Up to this time, there was no rule or regulation as to the head of a committee; the *usage* had been that the first named member acted; but it was *usage* only. The subject was referred to a committee. On the 22d November, 1804, the committee reported, and recommended that the first named member be the chairman; and in case of his absence, or of his being excused by the House, the committee should appoint a chairman by a majority of its votes. The House rejected this proposition. The Committee of Claims the next day notified the House that, unless some order was taken in the premises, no business could be done by the committee during the session; and thereupon, on the 20th December, 1805, the House adopted the above rule.

9. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.—*April 13, 1789.*

10. It shall be the duty of a committee to meet on the call of any two of its members, if the chairman be absent, or decline to appoint such meeting.—*December 20, 1805.*

11. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained.—*April 7, 1789.* And in all ballotings blanks shall be rejected, and not taken into the count in enumeration of votes, or reported by the tellers.—*September 15, 1837.*

12. In all cases of ballot* by the House, the Speaker shall vote; in other cases he shall not be required to vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.†—*April 7, 1789.*

In this case the Committee of Claims availed itself of the privilege contained in the last clause of the rule, and elected Mr. Dana chairman, much against his wishes.

* The word here used, in the original formation of the rule, was *election*. On the 14th January, 1840, it was changed to the word *ballot*.

† On a very important question, taken December 9, 1803, on an amendment to the Constitution, so as to change the form of voting for President and Vice President, which required a vote of two-thirds, there appeared 83 in the affirmative, and 42 in the negative; it wanted one vote in the affirmative to make the constitutional majority. The Speaker, (Macon,) notwithstanding this prohibition of the rule, claimed and obtained his right to vote, and voted in the affirmative; and it was by that vote that the amendment to the Constitution was carried. The right of the Speaker, as a member of the House, to vote on all questions, is secured by the Constitution; no act of the House can take it from him when he chooses to exercise it.

13. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.—*April 7, 1789.*

14. In all cases of election by the House of its officers, the vote shall be taken *viva voce*.—*December 10, 1839.*

15. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.—*November 13, 1794.*

16. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.—*March 14, 1794.*

17. No person except members of the Senate, their Secretary, Heads of Departments, Treasurer, Comptrollers, Registers, Auditors, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their secretaries, officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Governor, for the time being, of any State or Territory in the Union, such gentlemen as have been heads of departments or members of either branch of the National legislature, the members of the legislatures, for the time being, of the States and Territories, *January 14, 1850*; and, at the discretion of the Speaker, persons who belong to such legislatures of *foreign* governments as are in *amity* with the United States, shall be admitted within the hall of the House of Representatives;* and no person,

* The first rule for the admission within the hall of other than members, was adopted on the 7th January, 1802, and was confined to "*Senators, officers*

not known to the doorkeeper to be entitled to the privilege of the floor, shall enter the hall, unless the doorkeeper shall be informed by a member that the individual is entitled to admission under this rule, and in what capacity.—

January 14, 1850.

18. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.—*January 7, 1802; modified to present form, December 23, 1811.*

of the General and State Governments, Foreign Ministers, and such persons as members might introduce.” On the 11th January, 1802, an attempt was made to amend so as to exclude persons “introduced by members,” which failed. On the 8th November, 1804, a proposition was made to confine the privilege to *Senators*, which also failed. On the 17th December, 1805, *officers of State Governments* were excluded. On the 1st of February, 1808, a proposition was made to admit ex-members of Congress and the judges of the Supreme Court; after a good deal of debate, it was rejected. On the 11th February, 1809, the rule was enlarged so as to admit judicial officers of the United States, as also ex-members of Congress. On the 25th February, 1814, those who had been heads of departments were admitted. On the 10th February, 1815, officers who had received the thanks of Congress were included. On the 12th January, 1816, the Navy Commissioners. On the 21st February, 1816, Governors of States and Territories. March 13, 1822, the President’s Secretary. On the 26th January, 1833, the rule was further enlarged by admitting “*such persons as the Speaker or a member might introduce;*” and on the 10th December, 1833, the House, by a vote almost unanimous, rescinded that amendment. It has undergone no amendment since.

This rule has been much abused by admitting members of State legislatures, under the clause relating to legislatures of *foreign* governments. To show how little ground there is for this construction, the House, on the 26th December, 1821, and 2d January, 1835, rejected motions to admit members of State legislatures. On the 4th January, 1819, a proposition to admit members of Congress elect was rejected.

19. No person shall be allowed the privilege of the hall, under the character of stenographer, without a written permission from the Speaker, specifying the part of the hall assigned to him; and no reporter or stenographer shall be admitted, under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report.—*March 1, 1838.* And no person shall be admitted, under the rules of the House, as a reporter or stenographer for any paper or papers, who shall be employed as an agent to prosecute any claim pending before Congress; and the Speaker shall give his written permission with this condition; and not more than one reporter or stenographer shall be assigned the same seat.—*December 13, 1852.*

20. The doorkeeper shall execute strictly the 17th and 18th rules, relative to the privilege of the hall.—*March 1, 1838.*

21. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities.—*April 13, 1789, and act June 1, 1789.* He shall be deemed to continue in office until another be appointed.*—*March 1, 1791.*

* There is no law, resolution, rule, or order, directing the appointment of the Clerk of the House. On the 1st of April, 1789, being the first day that a quorum of the House assembled under the new Constitution, the House immediately elected a Clerk by ballot, without a previous order having been passed for that purpose; although, in the case of a Speaker, who was chosen on the same day, an order was previously adopted. A Clerk has been regularly chosen at the commencement of every Congress since.

ORDER OF BUSINESS OF THE SESSION.

22. After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions,* and reports which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place.—*March 17, 1848.*

ORDER OF BUSINESS OF THE DAY.

23. As soon as the Journal is read, the Speaker shall call for petitions from the members of each State and delegates from each Territory, beginning with Maine†—*December 23, 1811*, and the Territory of Wisconsin,‡ alternately—*September 15, 1837*; and if on any day the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day—*December 23, 1811*: provided that, after the first thirty days of the session, petitions shall not be received, except on the first day of the meeting of the House in each week.—*March 13, 1822.*

* The word "*resolutions*," as here used, has been construed to apply to joint resolutions only.

† This was adopted before the State of Maine came into the Union; and the call commenced with New Hampshire. On the 13th March, 1822, it was altered so as to commence with *Maine*.

‡ This rule was adopted before Iowa was constituted a Territory; and, although no order has been taken by the House, the Speaker substitutes Iowa for Wisconsin.

24. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer; they shall not be debated on the very day of their being presented; nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.*—*September* 14, 1837. Members having petitions and memorials to present may hand them to the Clerk, endorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the Journal, subject to the control and direction of the Speaker; and if any petition or memorial be so handed in, which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received.—*March* 29, 1842.

25. The petitions having been presented and disposed of, reports from committees shall be called for and disposed of—*December* 23, 1811; in doing which, the Speaker shall call upon each standing committee, in the order they are named in the 76th and 104th rules; and when all the standing committees shall have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the

* With the exception of the clause commencing with the words—"nor on any day assigned," &c., this rule is in substance the same as it was originally established on the 7th April, 1789.

call upon the committees before the House passes to other business, he shall resume the next call where he left off.—*September 15, 1837.* Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions: provided that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.—*January 14, 1829.*

26. All the States and Territories shall be called for resolutions on each alternate Monday during each session of Congress; and, if necessary to secure this object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to resolutions, until all the States and Territories are called through.—*February 6, 1838.*

27. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day—*January 5, 1832*; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

- 1st. Message and other Executive communications.
- 2d. Messages from the Senate, and amendments proposed by the Senate to bills of the House.
- 3d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees and put under way; but if, on being read a second time,

no motion being made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.

4th. Engrossed bills and bills from the Senate on their third reading.

5th. Bills of the House and from the Senate, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading.

The messages, communications, and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.—*September 14, 1837.*

28. The business specified in the 26th and 27th rules shall be done at no other part of the day, except by permission of the House.—*December 23, 1811.*

LOCAL OR PRIVATE BUSINESS.

29. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.—*January 22, 1810, and January 26, 1826.**

* Under the rule of 26th April, 1823, relative to a postponement or change of the order of business, it has been decided that it takes *two-thirds* to proceed to public business on Friday and Saturday. The reason of this decision is, that the rule of the 26th April, 1823, made no exception in favor of the clause, for a *majority*, contained in this rule, and that therefore that provision was annulled. There have been three appeals upon this point, but the House in all instances affirmed the decision in favor of two-thirds.

30. On the first and fourth Friday of each month, the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of.—*January 25, 1839.*

OF DECORUM AND DEBATE.

31. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to “Mr. Speaker”—*April 7, 1789*; and shall confine himself to the question under debate, and avoid personality.—*December 23, 1811.*

32. Members may address the House or committee from the Clerk’s desk, or from a place near the Speaker’s chair.

33. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.—*April 7, 1789.*

34. No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: provided, that where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege on debate shall be allowed in favor of and against any

amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee.*—*December 18, 1847.*

35. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate:† if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; *if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House;*‡ and if the case require it, he shall be liable to the censure of the House.—*April 7, 1789, and March 13, 1822.*

36. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for

* Although this was not finally adopted as a rule of the House until the 7th July, 1841, motions had been repeatedly made to the same effect for about twenty years preceding. In consequence of adopting the rules of the Twenty-sixth Congress at the second session of the Twenty-seventh Congress, the amendments (and this was one) made at the extra session of the Twenty-seventh Congress fell. It was again adopted June 13, 1842.

† See rule 2, with note appended to it.

‡ That part of this rule which is printed in *italic* was adopted on the 13th March, 1822, with the exception of the words "in case any member object," which were inserted on the 14th September, 1837.

words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.—*September 14, 1837.*

37. No member shall speak more than once to the same question, without leave of the House*—*April 7, 1789*—unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.—*January 14, 1840.*

38. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day, shall be permitted again to speak without leave.†—*April 7, 1789.*

39. While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking shall pass between him and the chair.—*April 7, 1789.* Every member shall remain uncovered during the session of the House.—*September 14, 1837.* No member or other person shall visit or remain by the Clerk's table

* This rule, as originally adopted on the 7th April, 1789, permitted a member to speak *twice*, and ended with the word *House*. It remained unchanged until the 14th January, 1840, when it was established as it now stands.

† There is no proceeding in the House to which this rule can be applied. It was originally framed in reference to that law of Parliament which says that all pending questions are lost by adjournment, and to be again considered must be moved anew. In the rules as revised and established on the 7th January, 1802, the prohibition to speak on the next day was confined to those who had spoken *twice* on the preceding day. It so remained until the 14th January, 1840, when the word *twice* was left out.

while the ayes and noes are calling, or ballots are counting.—*September 14, 1837.*

40. No member shall vote on any question in the event of which he is immediately and particularly interested,* or in any case where he was not within the bar of the House when the question was put.†—*April 7, 1789.* And when any member shall ask leave to vote, the Speaker shall propound to him the question, “*Were you within the bar when your name was called?*”—*September 14, 1837.*

41. Upon a division and count of the House on any question, no member without the bar shall be counted.—*November 13, 1794.*

42. Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reason, shall excuse him.‡—*April 7, 1789.* All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without further debate.—*September 14, 1837.*§

* Of late, differences of opinion have occasionally arisen as to the *kind* of interest alluded to in this rule. It has been contended to apply to members who were merchants or manufacturers, or engaged in other business to be affected by tariffs or other bills touching rates of duties, &c. This construction has never been sustained by the House. The original construction, and the only true one, is direct *personal* or *pecuniary* interest.

† As originally adopted, the word *present* was used in this rule where the words “*within the bar of the House*” now appear. The alteration was made on the 14th September, 1837.

‡ By rule 41, the date of which is subsequent in date to this, a member who may be “in the House” is not allowed to vote unless he be “within the bar,” upon a division or count of the House.

§ That part of rule 42 which allowed a brief verbal statement of reasons to be given by any member for requesting to be excused from voting, rescinded January 2, 1845.—*Journal H. R. 115.*

43. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated.—*April 7, 1789.*

44. Every motion shall be reduced to writing if the Speaker or any member desire it.—*April 7, 1789.* Every *written* motion made to the House shall be inserted on the Journals, with the name of the member making it, unless it be withdrawn on the same day on which it was submitted.—*March 26, 1806.*

45. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn at any time before a decision or amendment.—*April 7, 1789.*

46. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged*—*March 13, 1822;* and no motion to postpone to

* This rule, as originally established, April 7, 1789, read thus: "When a question is under debate, no motion shall be received unless to *amend* it, to *commit* it, for the *previous* question, or to *adjourn*." On the 13th November, 1794, the *motion to postpone to a day certain* was introduced next after the previous question. On the 17th December, 1805, the rule was changed as follows: 1st, the previous question; 2d, to postpone indefinitely; 3d, to postpone to a day certain; 4th, to lie; 5th, to commit; 6th, to amend; 7th, to adjourn. On the 23d December, 1811, the order was changed as follows: 1st, to adjourn; 2d, to lie; 3d, the previous question; 4th, to postpone indefinitely; 5th, to postpone to a day certain; 6th, to commit; 7th, to amend. On the 13th March, 1822, they were classed as above, and were declared, for the first time, to have precedence according to their arrangement; previous to which, the notions of the Speaker often governed as to the precedence of these motions, and hence the direction of the rule.

a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

47. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a Standing Committee; a Select Committee.—*March 13, 1822.*

48. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order*—*April 7, 1789, and January 14, 1840*; these motions, and the motion to lie on the table, shall be decided without debate.†—*November 13, 1794; March 13, 1822.*

49. The hour at which every motion to adjourn is made shall be entered on the Journal.—*October 9, 1837.*

50. The previous question shall be in this form: “Shall the main question be now put?”—*April 7, 1789.* It shall

* It has been decided and acted upon, that, under this rule, “a motion to fix the day to which the House shall adjourn” takes precedence of a motion to adjourn. The reason of this decision is, that, before the House adjourned, it was proper to fix the time to which it should adjourn. To this decision, and upon this reasoning, no objection has been made.

† In the first rules established by the House on the 7th April, 1789, it was directed that “when the House adjourns, the members shall keep their seats until the Speaker goes forth, and then the members shall follow.” This rule was left out of the rules established 13th November, 1794. On the 13th March, 1822, a rule was adopted prohibiting a motion to adjourn before four o’clock, if there was a pending question; it was rescinded on the 13th of March, 1824. On the 13th of March, 1822, a rule was also adopted against the rising of the Committee of the Whole before four o’clock, which was abrogated on the 25th of March, 1824.

only be admitted when demanded by a majority of the members present—*February 24, 1812*; and its effects shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then—*August 5, 1848*—upon pending amendments, and then upon the main question.—*January 14, 1840*. On a motion for the previous question,* and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.†—*September 14, 1837*.

* The previous question was recognised in the rules established April 7, 1789, and could be demanded by five members, (the parliamentary law places it in the power of two members—one to move, the other to second.) On the 23d December, 1811, it was placed on a footing with the yeas and nays: that is, at the command of *one-fifth of the members* present. It remained so until the 24th February, 1812, when the rule was changed to its present form of a *majority*. According to former practice, the previous question brought the House to a direct vote on the *main* question; that is, to agree to the main *proposition*, to the exclusion of all amendments and incidental motions; but on the 14th January, 1840, it was changed to its present form—first to embrace *pending* amendments, and then the main proposition.

The original intent of the previous question was, to ascertain the sense of the House, in the early stages of a subject, as to the propriety of entertaining the matter; and, if decided affirmatively, the debate went on; if decided negatively, the debate ceased, and the subject passed from before the House without motion or further question. This was the practice in Congress under the Confederation; and it is still the practice in the British Parliament. Now, by the practice of the House, as well as by the terms of the rule, it is reversed: if the motion for the previous question is decided in the affirmative, debate ceases, and the House proceeds to vote; if in the negative, the proceedings go on as if the motion for the previous question had not been made.

† See rules 63 and 64, for mode of proceeding in a call of the House.

51. On a previous question there shall be no debate.*—*December 17, 1805.* All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.—*September 15, 1837.*

52. When a question is postponed indefinitely, the same shall not be acted upon again during the session.—*December 17, 1805.*

53. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House.—*September 15, 1837.* A motion to strike out and insert shall be deemed indivisible—*December 23, 1811;* but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.—*March 13, 1822.*

54. Motions and reports may be committed at the pleasure of the House.—*April 7, 1789.*

55. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.†—*March 13, 1822.* No bill or resolution

* The rules, as established 7th April, 1789, allowed each member to speak once on the previous question; that is, Shall the main question be now put? and so remained until the 17th December, 1805, when debate was prohibited; yet, on the 15th December, 1807, *after the previous question had been ordered*, the House, on an appeal from the Speaker, reversed his decision, and decided that the main question was open to further debate—103 to 14, no party vote. This decision was reaffirmed by the House December 2, 1808—yeas 101, nays 18.

† This rule was originally established on the 7th April, 1789, and was in these words: "No *new* motion or proposition shall be admitted, under color

shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.*—*September 15, 1837.*

56. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof—*—January 7, 1802—on the same or succeeding day—December 23, 1811; and such motion shall take precedence of all other questions, except a motion to adjourn†—May*

of amendment, as a *substitute* for the motion or proposition under debate.” On the 13th March, 1822, it was changed to its present form, in which the words *new* and *substitute* do not appear.

* The latter clause of this rule was adopted at the first session of the 25th Congress; and, as originally reported by the committee, the following words were contained at the end of it: “Nor by any proposition containing the *substance*, in whole or in part, of any other bill or resolution pending before the House.” These words were stricken out by the House before it would agree to the rule; by which it would seem to be decided that a bill or resolution might be amended by incorporating therein the *substance* of any other bill or resolution before the House. Such has been the general practice of the House.

† A difference of opinion and a discrepancy in action have sometimes occurred in administering this rule. Twenty years ago, and previously, a motion to reconsider could not be made after the subject was disposed of, if there was another subject before the House, until that subject had passed away; it was then often too late to make the motion. It was under this practice that Mr. Randolph was unable to move a reconsideration of the settlement of the celebrated Missouri question, (notice of which he gave out of time,) as, before he could do so, the bill had been taken to the Senate. The practice, of late years, has been changed, so as to allow the motion to reconsider to be made at any moment within the prescribed time. If the motion be made when a different subject is before the House, it is entered, and remains until that subject is disposed of, and then “takes precedence of all other business, except a motion to adjourn.” When any final vote has been taken, and a motion made to reconsider, that motion

6, 1828—and shall not be withdrawn after the said succeeding day without the consent of the House; and thereafter any member may call it up for consideration.—*March 2, 1848.*

57. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.*—*November 13, 1794.*

58. The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.—*November 13, 1794.*

59. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.—*April 7, 1789.*

60. The name of the member who presents a petition or memorial, or who offers a resolution to the consideration of

may be laid on the table; in which case, according to the practice of several years past, the vote stands as though the motion to reconsider had not been made. This is correct; as, if the House wished to retain the matter, it would agree to the motion to reconsider, instead of laying it on the table. Motions to reconsider should be promptly acted on, otherwise it is in the power of a single member (voting on the strong side against his sentiments, solely for the purpose of placing himself in a situation to make the motion) to arrest business which a majority have determined to despatch.

* As originally adopted, this rule contained, after the word “for,” the words “which had before been read to the House.” They were stricken out on the 14th December, 1795.

the House, shall be inserted on the Journals.—*March 22, 1806.*

61. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the executive departments, or by the Postmaster General—*December 13, 1820*—or to print an extra number of any document or other matter, excepting messages of the President to both houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House—*December 13, 1820*; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered.—*January 22, 1822.*

62. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.—*April 7, 1789.*

63. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted: after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.*—*November 13, 1789, and December 14, 1795.*

* The rule as originally established in relation to a call of the House, which was on the 13th of November, 1789, differed from the present rule

64. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.—*November 13, 1794.*

65. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.—*April 17, 1789.*

66. No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend.—*April 13, 1789.*

67. A Sergeant-at-arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings;* to execute the commands of the House from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.—*April 14, 1789.*

in this: there was one day's notice to be given, and it required a vote of the House, and not *fifteen* members, to order a member into custody. It was changed to its present form on the 14th December, 1795. On the 7th January, 1802, it was changed back to its original form, to require "an order of the House" to take absent members into custody, and so remained until the 23d December, 1811, when it was again changed to what it is now—*i. e.*, fifteen members.

* In the rules established November 13, 1794, the Sergeant was empowered to appoint a "special messenger" to execute the commands of the House. This authority was stricken from the rules established on the 14th December, 1795.

68. The symbol of his office (the mace) shall be borne by the Sergeant-at-arms when in the execution of his office.*
April 14, 1789.

69. The fees of the Sergeant-at-arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, one-tenth of a dollar per mile.—*April 14, 1789.*

70. It shall be the duty of the Sergeant-at-arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required to do so, to draw the money on such checks for the members, (the same being previously signed by the Speaker, and endorsed by the member,) and pay over the same to the member entitled thereto.—*April 4, 1838.*

* At the time this rule was adopted, "a proper symbol of office" for the Sergeant-at-arms was directed to be provided, "of such form and device as the Speaker should direct." In pursuance of this order, a mace, or "symbol," was procured, which represented the Roman fasces, made of ebony sticks, bound transversely with a thin silver band, terminating in a double tie or beau-knot near the top; at each end a silver band an inch deep, and on the top of each of the rods a small silver spear. A stem of silver, three-fourths of an inch in diameter, and two inches long, from the centre of the fasces, supported a globe, of silver, about two and a half inches in diameter, upon which was an eagle, his claws grasping the globe, and just in the act of flight, his wings somewhat more than half extended. The eagle was massive silver, richly carved. The design was fine, and its whole execution beautiful; the entire height about three feet. The mace was destroyed at the conflagration of the Capitol on the 24th August, 1814, and was not replaced until recently. A temporary one was hastily gotten up (of common pine and painted) for the then next session of Congress, and was tolerated till the session of 1841-'42, when the splendid one now in use was procured.

71. The Sergeant-at-arms shall give bond, with surety, to the United States, in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members.—*April 4, 1838.*

72. The Sergeant-at-arms shall be sworn to keep the secrets of the House.—*December 23, 1811.*

73. A Doorkeeper shall be appointed for the service of the House.*—*April 2, 1789.*

74. The Doorkeeper shall be sworn to keep the secrets of the House.—*December 23, 1811.*

75. The Postmaster, to superintend the post office kept in the Capitol for the accommodation of the members, shall be appointed by the House.†—*April 4, 1838.*

76. Twenty-eight standing committees shall be appointed at the commencement of each session, viz:

* The rule of 1789 provided for the appointment of an *Assistant Doorkeeper*, and so continued until Colonel John W. Hunter, the incumbent, died, in December, 1841, and the House, on the 13th of that month, abolished the office.

† Immediately after the organization of the government under the present Constitution, a room was set apart in the Capitol for the reception and distribution of letters and packets to and from members of the House, without an order for that purpose, and was called the post office; it was superintended by the *Doorkeeper* and his assistants. On the 9th of April, 1814, a special allowance was made to the *Doorkeeper* to meet the expenses of this office, and he was authorized to appoint a postmaster. The office continued on this footing till April 4, 1838, when an order was passed, as above, for the appointment of the postmaster by the House itself.

A Committee of Elections.— <i>Nov.</i> 13, 1789.	} To consist of nine mem- bers each.
A Committee of Ways and Means.— <i>Jan.</i> 7, 1802.	
A Committee of Claims.— <i>Nov.</i> 13, 1794.*	
A Committee on Commerce.— <i>Dec.</i> 14, 1795.†	
A Committee on the Public Lands.— <i>Dec.</i> 17, 1805.‡	
A Committee on the Post Office and Post Roads.— <i>Nov.</i> 9, 1808.§	}

* Originally, the Committee of Claims was charged with revolutionary and land claims, and all sorts of pensions. On the 22d December, 1813, the duties of that committee were divided, and a committee was appointed, called the *Committee on Pensions and Revolutionary Claims*. On the 9th of December, 1825, a separate Committee on *Revolutionary Pensions* was created, leaving the business of *Invalid* pensions to the committee created on the 22d December, 1813. On the 13th December, 1825, four days after its institution, the designation of the Committee on Revolutionary Pensions was changed to the Committee on *Military Pensions*, and it was charged with both revolutionary and invalid pensions. On the 16th January, 1831, the Committee on Military Pensions became the present Committee on *Revolutionary Pensions*, and an additional committee was created called the *Committee on Invalid Pensions*; and the pension business was apportioned to the two committees, as set out in the duties assigned to the committees.

† This committee was originally a Committee on Commerce and *Manufactures*. On the 8th December, 1819, a Committee on *Manufactures* was constituted, but no duties have been assigned to that committee in the rules.

‡ The 3d of January, 1805, was the first time at which it was proposed to appoint a Committee on Public Lands. The proposition was then made by Mr. John Boyle, of Kentucky, and was *rejected*. On the 17th December, 1805, the committee was constituted for the first time. Previous to that day the business relating to the lands of the United States was sent either to the Committee of Claims or to a select committee, and frequently in parts to both.

§ From the earliest stages of the government, a *select* committee was annually raised upon the subject of "the Post Office and Post Roads," and was always composed of a member from each State. A *standing* committee was instituted on the 9th November, 1808, and, like the select committees, was directed to be composed of a member from each State. On the 23d December, 1811, it was directed to be composed of the same number of members as the other standing committees.

- | | |
|--|--|
| A Committee for the District of Columbia.— <i>Jan. 27, 1808.</i> | } To consist of
nine mem-
bers each. |
| A Committee on the Judiciary.— <i>June 3, 1813.</i> | |
| A Committee on Revolutionary Claims.— <i>Dec. 22, 1813.*</i> | |
| A Committee on Public Expenditures.— <i>Feb. 26, 1814.</i> | |
| A Committee on Private Land Claims.— <i>April 29, 1816.†</i> | |
| A Committee on Manufactures.— <i>Dec. 8, 1819.‡</i> | |
| A Committee on Agriculture.— <i>May 3, 1820.‡</i> | |
| A Committee on Indian Affairs.— <i>Dec. 18, 1821.‡</i> | |
| A Committee on Military Affairs.— <i>March 13, 1822.</i> | |
| A Committee on the Militia.— <i>Dec. 10, 1835.</i> | |
| A Committee on Naval Affairs.— <i>March 13, 1822.</i> | |
| A Committee on Foreign Affairs.— <i>March 13, 1822.</i> | |
| A Committee on the Territories.— <i>Dec. 13, 1825.</i> | |
| A Committee on Revolutionary Pensions.— <i>Dec. 9, 1825.§</i> | |
| A Committee on Invalid Pensions.— <i>Jan. 10, 1831.</i> | |
| A Committee on Roads and Canals.— <i>Dec. 15, 1831.</i> | } To consist of
five mem-
bers each. |
| A Committee on Patents.— <i>Sept. 15, 1837.</i> | |
| A Committee on Public Buildings and Grounds.— <i>Sept. 15, 1837.</i> | |
| A Committee of Revisal and Unfinished Business.— <i>Dec. 14, 1795.</i> | |
| A Committee of Accounts.— <i>Nov. 7, 1804. </i> | |
| A Committee on Mileage.— <i>Sept. 15, 1837.</i> | |
| A Committee on Engraving, to consist of three members.— <i>March 16, 1844.</i> | |

77. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or

* See note (*) page 74.

† When the Committee on Private Land Claims was first constituted, it was composed of five members, two less than the other committees. On the 19th December, 1817, it was directed to be composed of seven members.

‡ There are no duties assigned to the Committees on Manufactures, Agriculture, and Indian Affairs, in the rules.

§ See note (*) page 74.

|| The Committee of Accounts was first constituted as a select committee on the 7th November, 1804; it was made a standing committee December 17, 1805.

other credentials, of the members returned to serve in this House; and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.—*November 13, 1789; November 13, 1794.*

78. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon; [to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.]*—*January 7, 1802.*

In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred

* That portion of the duty of the Committee of Ways and Means which is printed within brackets was originally adopted on the 7th January, 1802. On the 26th February, 1814, the Committee on Public Expenditures was created and added to the list of standing committees. The duties of this latter committee are exactly those contained in that portion of the duties of the Committee of Ways and Means which is referred to in this note as within brackets. (See rule 89.) The words ought to be stricken from the specification of the duties of the Committee of Ways and Means.

to them for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.—*January 30, 1819.*

79. It shall also be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills—for the civil and diplomatic expenses of government; for the army; for the navy; and for the Indian department and Indian annuities; or, in failure thereof, the reasons of such failure.—*September 14, 1837.*

80. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.—*September 14, 1837.*

No. 81. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law—*September 14, 1837*—unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government.—*March 13, 1838.*

82. It shall be the duty of the Committee of Claims to take into consideration all such petitions and matters or things touching claims and demands on the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief

therein as to them shall seem expedient.—*November 13, 1794.*

83. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report, from time to time, their opinion thereon.*—*December 14, 1795.*

84. It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.—*December 17, 1805.*

85. It shall be the duty of the Committee on the Post Office and Post Roads to take into consideration all such petitions and matters or things touching the post office and post roads as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*November 9, 1808.*

86. It shall be the duty of the Committee for the District of Columbia to take into consideration all such peti-

* This committee was originally a Committee on Commerce *and Manufactures*. On the 8th December, 1819, a separate Committee on Manufactures was constituted, and the duties of the original Committee on Commerce and Manufactures have been confirmed, as above, by leaving out the words "*and Manufactures.*" There are no duties assigned in these rules to the Committee on Manufactures.

tions and matters or things touching the said District as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*January 27, 1808.*

87. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*June 3, 1813.*

88. It shall be the duty of the Committee on Revolutionary Claims to take into consideration all such petitions and matters or things touching claims and demands originating in the revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*December 22, 1813.*

89. It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.*—*February 26, 1814.*

* See note to rule 78. And further: on the 30th March, 1816, six Committees on Expenditures in the several departments of the government were

90. It shall be the duty of the Committee on Private Land Claims to take into consideration all claims to land which may be referred to them, or shall or may come in question; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*April 29, 1816.*

91. It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.—*March 13, 1822.*

92. It shall be the duty of the Committee on the Militia to take into consideration and report on all subjects connected with the organizing, arming, and disciplining the militia of the United States.—*December 10, 1835.*

93. It shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.—*March 13, 1822.*

94. It shall be the duty of the Committee on Foreign Affairs to take into consideration all matters which concern the relations of the United States with foreign nations, and

created and added to the list of standing committees. The duties assigned to these several committees would seem entirely to cover the duties of the Committee on Public Expenditures. (See rules 105 and 106.)

which shall be referred to them by the House, and to report their opinion on the same.—*March 13, 1822.*

95. It shall be the duty of the Committee on Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.—*December 13, 1825.*

96. It shall be the duty of the Committee on Revolutionary Pensions to take into consideration all such matters respecting pensions for services in the revolutionary war, other than invalid pensions, as shall be referred to them by the House.—*January 10, 1831.*

97. It shall be the duty of the Committee on Invalid Pensions to take into consideration all such matters respecting invalid pensions as shall be referred to them by the House.—*January 10, 1831.*

98. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.—*December 15, 1831.*

99. It shall be the duty of the Committee on Patents to consider all subjects relating to patents which may be referred to them; and report their opinion thereon, together with such propositions relative thereto as may seem to them expedient.—*September 15, 1837.*

100. It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the city of Washington which may be referred to them; and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.—*September 15, 1837.*

101. It shall be the duty of the Committee of Revisal and Unfinished Business to examine and report what laws have expired, or are near expiring, and require to be revived or further continued; also to examine and report, from the Journal of last session, all such matters as were then depending and undetermined.—*December 14, 1795.*

102. It shall be the duty of the Committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives—*December 17, 1805*; also to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House.*—*December 23, 1811.*

103. It shall be the duty of the Committee on Mileage to ascertain and report the distance, to the Sergeant-at-arms, for which each member shall receive pay.†—*September 15, 1837.*

* So much of this rule as directs the Committee of Accounts to audit and settle the mileage and daily pay of the members was adopted at the first session of the Twelfth Congress, (1811.) At the first session of the Twenty-fifth Congress, (1837,) a standing Committee on Mileage was created, for the especial purpose of ascertaining and reporting the mileage for which each member shall receive pay. (See rule 103.)

† See rule and note to rule 102.

104. There shall be appointed a standing committee of this House, to consist of three members, to be called the Committee on Engraving,* to whom shall be referred by the Clerk all drawings, maps, charts, or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way; which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract by agreement, in writing, for all such engraving, lithographing, printing, drawing, and coloring, as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts, to govern said committee in all allowances for such works; and it shall be in order for said committee to report at all times.—*March 16, 1844.*

105. Six additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duties shall continue until the first session of the ensuing Congress.—*March 30, 1816.*

* The resolution of Congress "regulating the printing of Congress, and establishing the compensation for the same," approved July 23, 1846, provides that "when any order for printing requires maps or charts, the same shall be obtained under the direction of the Committee on Contingent Expenses of the House making such order."

- | | | |
|--|---|---|
| <ol style="list-style-type: none"> 1. A committee on so much of the public accounts and expenditures as relate to the Department of State; 2. A committee on so much of the public accounts and expenditures as relate to the Treasury Department; 3. A committee on so much of the public accounts and expenditures as relate to the Department of War; 4. A committee on so much of the public accounts and expenditures as relate to the Department of the Navy; 5. A committee on so much of the public accounts and expenditures as relate to the Post Office; and 6. A committee on so much of the public accounts and expenditures as relate to the Public Buildings; | } | <p>To consist of
five mem-
bers each.</p> |
|--|---|---|

106. It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

Whether the expenditures of the respective departments are justified by law ;

Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers, establishing their justness both as to their character and amount ;

Whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws ; and

Whether any, and what provisions are necessary to be adopted, to provide more perfectly for the proper application of the public moneys, and to secure the government from demands unjust in their character or extravagant in their amount.

And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what retrenchment can be made in the expenditures of the seve-

ral departments, without detriment to the public service ; whether any, and what abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others ; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several departments and the accountability of their officers.*—*March 30, 1816.*

† It shall be the duty of the several committees on Public Expenditures to inquire whether any offices belonging to the branches or departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary ; and to report, from time to time, on the expediency of modifying or abolishing the same : also, to examine into the pay and emoluments of all offices under the laws of the United States ; and to report, from time to time, such a reduction or increase thereof as a just economy and the public service may require.—*February 19, 1817.*

107. The several standing committees of the House shall have leave to report by bill or otherwise.—*March 13, 1822.*

108. No committee shall sit during the sitting of the House, without special leave.—*November 13, 1794.*

109. It shall be the duty of the Clerk to make, and cause to be printed, and delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or department of the government to make to Congress ; referring to the act

* See notes to rules 78 and 89.

† This part of the duties of those committees was, previous to 1841, overlooked, and omitted in the printed editions.

or resolution, and page of the volume of the Laws or Journal in which it may be contained; and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.—*March 13, 1822.*

110. It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journals thereof to the Executive, and to each branch of the legislature of every State.—*November 13, 1794.*

111. All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the Journal of every session.—*December 23, 1811.*

112. Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-arms, and Doorkeeper,* and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether the matter communicated requires

* In the rule as originally established on the 17th February, 1792, it is provided that the House be cleared of all persons, except "the members and the Clerk." In the rules of the 13th November, 1794, the language used is "the members of the House and its *officers*." In the edition of 7th January, 1802, the terms "members and Clerk" are again used; and on the 23d December, 1811, it was changed to its present form, so as to include the Sergeant-at-arms and Doorkeeper.

secrecy or not, and take order accordingly.—*February 17, 1792, and December 30, 1793.*

113. All questions relating to the priority of business to be acted on, shall be decided without debate.—*February 21, 1803.*

OF BILLS.

114. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion* in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for: such motion, or the bill when introduced, may be committed.—*April 7, 1789; September 15, 1837; and March 2, 1838.*

115. Every bill shall receive three several readings in the House, previous to its passage; and bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.—*April 7, 1789.*

* In the early stages of the government, before the institution of standing committees, it was the common practice to introduce bills, on motion for leave, by individual members; the bills were then referred to a select committee, to examine and report upon. The practice, however, of introducing bills by members, on leave, gradually grew into disuse as standing committees were created, and, for nearly thirty years, no case occurs on the Journals. A few cases have occurred within the last five or six years. It is an inconvenient practice, and does not facilitate business. Previous to the 13th March, 1822, so strict was the House upon the introduction of bills, that standing committees had to obtain leave, in every case, to report by bill. On that day the 107th rule was adopted.

116. The first reading of a bill shall be for information, and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.*—*April 7, 1789.*

117. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the Whole House: if to a Committee of the Whole House, the House shall determine on what day—*November 13, 1794*; if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in order.—*September 14, 1837.* But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.—*November 13, 1794.*

* But not on the day of its introduction; that is prohibited by rule 115. The meaning of the rule is, that it passes to its second reading the *next day* "without motion or question;" it is the duty of the Speaker then to take it up, and give it the second reading when clearing his table under the 25th rule. If no opposition be made to a bill, or if the question to reject be negatived, and the bill receives its second reading forthwith, (as is usual,) it is always *understood* that it is by "special order of the House." In the rapid and hurried manner in which bills are now reported and acted upon, the motion is seldom or never made, nor is the question put, "Shall the bill be *now* read a second time? The Speaker takes it for granted that the motion has been made and allowed, and announces the second reading as soon as the first reading is completed. When a bill is read the first time, and no disposition of it be moved, it remains on the Speaker's table, to receive its second reading on the next day, as matter of course, in the third class of the 25th rule.

118. Not more than three bills, originating in the House, shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.—*December 29, 1817.*

119. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection.*—*March 13, 1822.*

120. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.†—*April 7, 1789.*

* The Manual states that, if a committee be opposed to the whole paper or bill, and think it cannot be made good by amendment, the committee cannot reject it, but must report it back to the House without amendment, and there make their opposition. In 1814, a Committee of the Whole struck out the first and only section of a bill, and so reported to the House. Mr. Speaker Cheves refused to receive the report, on the ground that it was tantamount to a rejection of the bill, which the committee had not power to do. After this, that the merit of questions might be tested in Committee of the Whole, rule 119 was adopted. The Manual provides that a paragraph or section may be first amended by its friends, so as to make it as perfect as they can before the question is put for striking it out. By this rule, (*i. e.*, rule 119,) it is *expressly established* that a motion to strike out, for the purpose of destroying, shall be paramount to a motion to amend. Rule 139 provides that the Manual shall govern in cases in which it is applicable, where it is *not inconsistent* with established rules. In the case, then, of giving precedence to motions to insert or to amend over motions to strike out or reject, it is clearly inconsistent with an established rule and consequently the practice of the House for the last few years has been in violation of the 119th rule.

† A difference of opinion often arises as to the construction of this rule. Anciently it was held and practised upon, according to its terms, that a bill could be recommitted *at any time* before its passage. Of late years it has

121. All bills ordered to be engrossed shall be executed in a fair round hand.—*April 7, 1789.*

122. No amendment by way of *rider* shall be received to any bill on its third reading.—*April 8, 1814.*

123. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.—*April 7, 1789.*

OF COMMITTEES OF THE WHOLE HOUSE.

124. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.*—*April 7, 1789.*

125. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.†—*April 7, 1789.*

been decided that, if the previous question on its passage be ordered, a motion to recommit is not in order, but that the question must be put on the passage of the bill. I think the practice unsound. The intention of a recommitment is for the purpose of perfecting the bill, and it is endangered by forcing its passage in an imperfect state.

* For more than forty years it was held and practised, under this rule, that the House could resolve itself into a Committee of the Whole on the state of the Union at any time. Recently, however, a different practice prevailed, it being held that several of the rules prescribing the order of business, as well as special orders, interposed to prevent it; in consequence of which, the House, on the 1st June, 1840, amended the 135th rule so as to go into Committee of the Whole on the state of the Union *at any time*; in other words, restored the ancient practice under the 124th rule.

† Originally the rule was silent as to the mode of appointing a chairman of the Committee of the Whole. He was appointed by the House by *nomin-ation* and vote thereon. That practice became very inconvenient; and on the 13th November, 1794, the rule was amended by adding “by the Speaker.”

126. Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal.—*December 18, 1847.*

127. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House.* After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.—*April 7, 1789.*

128. All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.—*April 7, 1789.*

129. All amendments made to a report committed to a Committee of the Whole House shall be noted, and reported, as in the case of bills.—*April 7, 1789.*

130. All questions, whether in committee or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.†—*April 7, 1789.*

* This refers to bills in manuscript and bills from the Senate. It was long after the date of this rule that the practice of printing the bills obtained.

† See rule 46, and the note to that rule, which is explanatory of this rule.

131. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.—*November 13, 1794.*

132. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.—*November 13, 1794.*

133. All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House.*—*November 13, 1794.*

134. The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the times of speaking—*April 7, 1789*; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.—*December 17, 1805.*

135. In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside: provided that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be

* This rule, as first adopted, required all proceedings touching appropriations of money to be first *moved* in Committee of the Whole. The word "*moved*" was struck out on the 17th December, 1805, as it was found, in practice, greatly to retard public business.

preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them.—*July 27, 1848.*

136. No standing rule or order of the House shall be rescinded or changed* without one day's notice being given of the motion therefor—*November 13, 1794*; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present.†—*March 13, 1822*; nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present.—*April 26, 1828.* The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union—*January 25, 1848*—from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.‡—*March 11, 1844.*

137. Except during the last ten days of the session, the Speaker shall not entertain a motion to suspend the rules of

* The words "or changed," were added on the 23d December, 1811.

† This rule was amended at this place, June 18, 1841, [extra session 27th Congress,] by inserting these words: "It shall not be in order to move a suspension of the rules for any purpose until after the daily call for petitions, reports of committees, and resolutions shall be completed, except for a motion to proceed to the orders of the day." At the commencement of the next session, the House adopted the rules of the Twenty-sixth Congress, by which this and all other amendments made at the extra session fell.

‡ December 4, 1843, the rules of the Twenty-seventh Congress were adopted, with the exception of this rule. On the 11th March, 1844, this rule was readopted.

the House at any time, except on Monday of every week: provided nothing herein contained shall be construed to alter so much of the 136th rule as provided as follows: "The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the committee from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.—*December 18, 1847.*

138. It shall be in order for the Committee on Enrolled Bills to report at any time.—*March 13, 1822.*

139. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House, and the Joint Rules of the Senate and House of Representatives.—*September 15, 1837.*

140. No person shall be permitted to perform divine service in the chamber occupied by the House of Representatives unless with the consent of the Speaker.—*May 19, 1804.*

141. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of ten cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.—*June 5, 1832.*

142. The Clerk shall, within thirty days after the close of each session of Congress, cause to be completed the

printing and primary distribution, to members and delegates, of the Journal of the House, together with an accurate index to the same.—*June 18, 1832.*

143. There shall be retained in the library of the Clerk's office, for the use of the members there, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited in the library.—*December 22, 1826.*

144. The Clerk shall have preserved for each member of the House an extra copy, in good binding, of all the documents printed by order of either House at each future session of Congress.—*February 9, 1831.*

145. The Clerk shall make a weekly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of such orders and proceedings; which statement shall be printed for the use of the members.—*April 21, 1836.*

146. The Clerk shall cause an index to be prepared to the acts passed at every session of Congress, and to be printed and bound with the acts.—*July 4, 1832.*

147. The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker, until the further order of the House.—*May 26, 1824.*

148. Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House.—*March 2, 1837; September 11, 1837.*

149. No committee shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House for that purpose.—*December 14, 1838.*

150. No extra compensation shall be allowed to any officer, or messenger, page, laborer, or other person in the ser-

vice of the House, or engaged in or about the public grounds or buildings; and no person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the government, or be interested in such claim otherwise than an original claimant; and it shall be the duty of the Committee of Accounts to inquire into and report to the House any violation of this rule.—*March 8, 1842.*

151. Upon the engrossment of any bill making appropriations of money for works of internal improvement of any kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately, and others collectively, as the members making the call may specify; and if one-fifth of the members present second said call, it shall be the duty of the Speaker to make such divisions of the question, and put them to vote accordingly.—*February 26, 1846.*

152. The following resolution was passed by the House of Representatives January 30, 1846—*Journal of the House of Representatives, 1st session 29th Congress, page 323 :*

“Whereas the Clerk of this House is by law made the responsible officer for the proper disbursement of the contingent fund, and is required to give bond for the faithful disbursement thereof: therefore,

“*Resolved*, That, from and after the passage of this resolution, all contracts, bargains, or agreements, relative to the furnishing any matter or thing, or for the performance of any labor for the House of Representatives, be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee of Accounts.”

JOINT RULES AND ORDERS

OF

THE TWO HOUSES.

1. In every case of an amendment of a bill agreed to in one house, and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other house shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairmen, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.—*November 13, 1794.*

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the house by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.—*November 13, 1794.*

3. The same ceremony shall be observed when a messenger shall be sent from the House of Representatives to the Senate.—*November 13, 1794.*

4. Messages shall be sent by such persons as a sense of propriety in each house may determine to be proper.—*November 13, 1794.*

5. While bills are on their passage between the two houses, they shall be on paper, and under the signature of the Secretary or Clerk of each house, respectively.—*November 13, 1794.*

6. After a bill shall have passed both houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other house, before it shall be presented to the President of the United States.
November 13, 1794.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.—*November 13, 1794, and February 1, 1827.*

8. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the House of Representatives, then by the President of the Senate.—*November 13, 1794.*

9. After a bill shall have been thus signed in each house, it shall be presented, by the said committee, to the President of the United States, for his approbation, (it being first endorsed on the back of the roll, certifying in which house the same originated; which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which the same did originate,) and shall be entered on the journal of each house. The said committee shall re-

port the day of presentation to the President; which time shall also be carefully entered on the journal of each house.—*November 13, 1794.*

10. All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in the cases of bills.—*November 13, 1794.*

11. When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both houses.—*November 13, 1794.*

12. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

13. When a bill or resolution which has been passed in one house shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that house in which it shall be renewed.

14. Each house shall transmit to the other all papers on which any bill or resolution shall be founded.

15. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

16. No bill that shall have passed one house, shall be sent for concurrence to the other on either of the three last days of the session.—*January 30, 1822.*

17. No bill or resolution that shall have passed the

House of Representatives and the Senate, shall be presented to the President of the United States, for his approbation, on the last day of the session.—*January 30, 1822.*

18. When bills which have passed one house are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the house making the order.—*February 9, 1829.*

19. No spirituous liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto.—*September 18, 1837.*

20. It shall be in order for the Committee on Printing to report any time.—*1st session 30th Congress.*

21. After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports, which originated in either house, and, at the close of the next preceding session, remained undetermined in either house, shall be resumed and acted on in the same manner as if an adjournment had not taken place.—*August 14, 1848.*

22. A committee of three members of the Senate and three members of the House of Representatives shall be appointed by the President of the Senate and Speaker of the House, to be called the Joint Committee on the Public Printing, which committee shall have a right to decide between the superintendent of the public printing and the public printer in any dispute which may arise as to the propriety of the decisions of the superintendent making deductions on account of work which the superintendent may refuse to receive, or which, in his opinion, may not be done with proper despatch, as required by law; and the said com-

mittee shall pass upon the accounts of the superintendent of the public printing. Said committee shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing: provided that no contract, agreement, or arrangement entered into by this committee, shall take effect until the same shall have been approved by that house of Congress to which the printing belongs; and, when the printing delayed relates to the business of both houses, until both houses shall have approved of such contract or arrangement. All motions to print extra copies of any bill, report, or other document, shall be referred to the members of the Committee on Printing from the house in which the same may be made.—*Laws (twelfth section) of the 1st session, 32d Congress.*

INDEX

TO THE

RULES AND ORDERS

OF THE HOUSE OF REPRESENTATIVES,

AND TO THE JOINT RULES.

	Rule.
A.	
<i>Absentees from the House</i> , proceedings against.....	62, 63, 64
attendance of, may be compelled by 15 mem- bers.....	65
should have leave, be sick or unable to attend	66
<i>in Committees of the Whole</i> , to be reported to the House and entered on Journal.....	126
<i>Accounts for pay and mileage</i> , to be kept by the Sergeant-at-arms	70
<i>Acts and Addresses</i> , to be signed by the Speaker.....	15
<i>Address to the President</i> , how to be presented (joint rule).....	11
<i>Adhere</i> , effect of a vote to, in the two houses (joint rule)	15
<i>Adjourn, motion to</i> , always in order, and not debateable.....	48
<i>fix the day</i> to which the House shall, always in order	48
<i>hour at which</i> made, to be entered on the Journal	49
<i>Agents for claims</i> , employees of the House not to act as.....	150
<i>Amend, motion to</i> , order in which to be entertained with reference to other motions	46
motion to strike out the <i>enacting clause</i> , takes pre- cedence of.....	119
<i>Amendments</i> , of Senate to House bills, when considered	27
adopted, preclude the withdrawal of original motion.....	45
to be voted upon after previous question is ordered.....	50

	Rule.
<i>Amendments, conference on</i> , upon which the two houses disagree (joint rule).....	1
<i>not in order</i> , if on a subject different from that under consideration.....	55
if embracing any other pending bill or resolution	55
to general appropriation bills, if not for appropriations authorized by law.....	81
to a bill on its third reading, if by way of <i>rider</i>	122
<i>to the rules</i> , require one day's notice	136
<i>in Committees of the Whole</i> , five minutes' debate on.....	34
not to be withdrawn.....	34
how kept by the Clerk and reported.....	127, 129
to original motions to be incorporated	123
to be disposed of before report of measure.....	136
<i>Appeals</i> growing out of irrelevancy, inadmissibility, &c., of motions, &c.	2
how made and debated.....	2
growing out of "transgressions of the rules in speaking," in decorum, &c	35, 36
not debateable after previous question is moved.....	51
growing out of questions as to the <i>priority of business</i> , not debateable.....	113
<i>Appropriation Bills</i> , if for other objects, not to include appropriations for carrying treaties into effect.....	78
<i>general</i> , to be reported within 30 days after appointment of the Committee of Ways and Means.....	79
shall take precedence of other bills in the House and in Committees of the Whole	80, 135
not to include appropriations not authorized by law	81
to be first discussed in Committee of the Whole.	133
<i>for internal improvements</i> , may be voted upon by items.....	151

B.

	Rule.
<i>Ballot</i> , committees to be appointed by, in certain cases.....	7
in other cases of election by, a majority necessary.....	11
blanks in elections by, to be rejected.....	11
in all cases of election by, Speaker shall vote.....	12
no person to look on when tellers are counting votes by.....	39
<i>Bar of the House</i> , no member to vote unless within the.....	40
<i>Bills</i> , reported at <i>first</i> , to be resumed at <i>second</i> session (joint rule).21, 22	
<i>private</i> , to have precedence on Fridays and Saturdays.....	29
to be called over on first and fourth Fridays of every	
month—preference to those not objected to	30
cannot be amended by adding other bills	55
proceedings on <i>leave</i> to introduce.....	114
how to be introduced or reported.....	114
leave to introduce	114
<i>making appropriations</i> , to be reported within thirty days.....	79
to have preference in order.....	80
appropriations not authorized by law ex-	
cluded	81
to be first discussed in Committee of	
the Whole.....	133
the several readings of.....	115
if opposed on first reading, question to reject to be put, &c... 116	
how to be disposed of on second reading.....	117
not more than three to be committed to the same Committee	
of the Whole.....	118
a motion to strike out the <i>enacting words</i> of, takes precedence of a	
motion to amend.....	119
effect of affirmative vote on	119
may be recommitted at any time before passage	120
to be engrossed in a fair round hand.....	121
amendments of Senate, when considered	27
engrossed, when to be read a third time	27
<i>from the Senate</i> , when to be read and disposed of	27
not to be amended on third reading by <i>rider</i>	122
when passed, to be certified by the Clerk.	123
[in Committee of the Whole] how to be taken up; not to be in-	
terlined; amendments to, how to be kept and reported; and,	
after report, may be again debated and amended.....	127

	Rule.
<i>Bills</i> , on their passage to be on paper (joint rule).....	5
to be enrolled on parchment after passing the two houses (joint rule).....	6
(See <i>Engrossed Bills</i> .)	
<i>passed one house and lost in the other</i> , notice to be given (joint rule).....	12
how they may be renewed (joint rule).....	13
<i>when sent from one house to the other</i> , to be accompanied by papers (joint rule).....	14
not to be sent from one house to the other for concurrence on the three last days of session (joint rule).....	16
not to be presented to the President on the last day of a session (joint rule).....	17
relative to the printing of (joint rule).....	18
<i>Blanks</i> , in filling up, question to be first put on largest sum and longest time.....	130
not to be counted in ballotings.....	11
<i>Bond</i> , Sergeant-at-arms required to give.....	71
<i>Business</i> , <i>unfinished</i> , precedence of.....	58
unfinished at <i>first</i> , to be resumed at <i>second</i> session (joint rules).....	21, 22
<i>daily order of</i>	23 to 27
if changed or postponed, two-thirds necessary....	136
no debate on <i>priority</i> of.....	113
<i>on the Speaker's table</i> , mode of disposing of.....	27
list to be made of, weekly.....	145
<i>private</i> , to have preference on Fridays and Saturdays.....	29
to be called over on first and fourth Fridays, and disposed of, if no objection.....	30

C.

<i>Calls on the Departments</i> , to lie on the table one day.....	61
<i>Calls of the House</i> , names to be called alphabetically on.....	62
not in order after second of previous question.....	50
<i>proceedings on</i>	63, 64
fifteen members may compel the attendance of absentees on, &c.....	63, 65

	Rule.
<i>Capitol</i> , unappropriated rooms in.....	147
no spirituous liquors to be brought within or about (joint rule)	19
<i>Chair</i> , Speaker may substitute a member to take	6
<i>Chairman of Committee</i> , who shall be	8
may appoint meeting of committee	10
<i>Chairman of Committee of the Whole</i> , Speaker names	125
may order gallery or lobby cleared.	16
how to call the <i>calendar</i>	29
<i>Charge on the people</i> , motions for	131
<i>Claims</i> , officers of the House not to prosecute	150
reporters having seats assigned shall not prosecute.....	19
<i>Clerk of the House</i> , to be chosen at the commencement of each Congress (see <i>note to rule 21</i> .)	
shall take oath of office, and continue until successor appointed.....	21
shall attest all writs, warrants, and subpoenas.....	15
petitions may be presented to, and entered by him on the Journal	24
to cause resolutions to be delivered to the President, &c	61
to refer maps, &c., to the Committee on Engraving.	104
to make out list of reports to be made to Congress by public officers	109
to furnish the Governors and State legislatures with copies of the Journal.....	110
to note and put together at the end of the Journal all questions of order	111
notices of bills to be given to	114
shall certify bills which have passed.....	123
duty of, in relation to amendments in Committee of the Whole.....	127, 129
to cause Journal to be completed and distributed within 30 days.....	142
shall retain in library of his office two copies of all printed documents	143
to furnish members with bound documents	144
to cause the laws to be indexed	146
to make or approve all contracts	152

	Rule.
<i>Clerk of the House</i> to make out weekly a list of business on the Speaker's table	145
<i>Clerks to committees</i> , not to be employed without the order of the house	149
<i>Commit, motion to</i> , order in which, to be entertained with reference to other motions.....	46, 47
effect of not making, after second reading of Senate bills	27
not to be repeated on same day, or at same stage of proposition.....	46
if previously made, to be voted upon after main question ordered.....	50
in order after the second reading of a bill.....	117
<i>Committees</i> , to be appointed by the Speaker unless otherwise ordered.	7
how appointed by ballot.....	7
who shall be chairman	8
member excused from serving on <i>more than two</i>	9
to meet on call of two members (if chairman be absent).	10
order in which they shall be called for <i>reports</i>	25
motion to refer to <i>standing</i> , takes precedence of motion to refer to <i>select</i>	47
<i>standing</i> , to be appointed at the commencement of each session.....	76
duties of, viz: of Elections	77
of Ways and Means	78, 79, 80, 81
of Claims	82
on Commerce	83
on Public Lands.....	84
on Post Office and Post Roads...	85
for the District of Columbia.....	86
on the Judiciary.....	87
on Revolutionary Claims.....	88
on Public Expenditures.....	89
on Private Land Claims.....	90
on Military Affairs.....	91
on the Militia	92
on Naval Affairs.....	93
on Foreign Affairs	94
on the Territories	95

	Rule.
<i>Committees, standing, duties of, viz:</i> on Revolutionary Pensions.....	96
on Invalid Peusions	97
on Roads and Cauals.....	98
on Patents	99
on Public Buildings and Grounds.	100
on Revisal and Unfinished Business	101
of Accounts	102
on Mileage.....	103
on Engraving	104
on Agriculture,)	
on Manufactures,)	
on Indian Affairs,)	
to be appointed at the commencement of each	
<i>Congress</i>	105
duties of, viz: on so much of the public accounts)	
and expenditures as relate to	
the Department of State;	
on so much of the public accounts	
and expenditures as relate to	
the Treasury Department;	
on so much of the public accounts	
and expenditures as relate to	
the Department of War;	
on so much of the public accounts	
and expenditures as relate to	
the Department of the Navy;	
on so much of the public accounts	
and expenditures as relate to	
the Post Office; and	
on so much of the public accounts	
and expenditures as relate to	
the Public Buildings;	
<i>joint, on Enrolled Bills (joint rule)</i>	7
on the Public Printing (joint rule)	22
on the Library of Congress (not embraced	
in the rules.)	
Regents in the Smithsonian Institution. (Act	
of Congress.)	

	Rule.
<i>Committees, standing</i> , shall have leave to report by bill or otherwise .	107
shall not sit during the sitting of the House....	108
not to employ clerks without leave of the House	149
<i>Committee of the Whole House</i> , how formed	125
chairman of, may clear lobby and galleries.....	16
how to proceed in calling the calendar of.....	29
how to proceed in cases of bills.....	127
must first entertain all motions for laying or increasing taxes.....	131, 132
appropriations must be first discussed in.....	133
rules of the House to be observed in.....	134
how to report amendments.....	128, 129
may originate motions.....	128
<i>on the state of the Union</i> , motion to refer to, takes precedence	47
to go into, a standing order of the day.....	124
House may go into at any time...	136
<i>debate</i> may be closed in	136
roll to be called, &c., if found with- out a quorum	126
<i>five minutes' debate</i> allowed in, on amendment	34
how bills are to be taken up and considered in.....	135
order of propounding questions in.	130
<i>Commitment</i> , of motions and reports to be at the pleasure of the House	54
when different committees are proposed, their order....	47
<i>Conference committees</i> , relative to (joint rule).....	1
<i>Confidential communications or proceedings</i> , relative to.....	112
Sergeant-at-arms sworn to secrecy	72
Doorkeeper sworn to secrecy.....	74
<i>Consideration</i> , question of	5
<i>Conversation, private</i> , members not to engage in.....	39

D.

<i>Debate</i> , limited on appeal to one speech, unless by leave.....	2
not allowed upon <i>petitions</i> on the day of presentation.....	24
not allowed upon <i>resolutions</i> on the day they are submitted..	25, 26
not allowed upon <i>private bills</i> on the first and fourth Fridays of each month	3

	Rule.
<i>Debate</i> , member shall <i>confine himself to the question</i> under, and avoid	
<i>personality</i>	31
in rising to, member shall address himself to "Mr. Speaker".	31
member may speak from the Clerk's desk.....	32
Speaker shall name the member who is first to speak	33
no member shall occupy more than <i>one hour</i> in	34
member <i>reporting</i> the measure may open and close.....	34
<i>five minutes</i> allowed to explain, and the same time to oppose	
amendments.....	34
member <i>transgressing the rules</i> in, to be called to order, and no	
debate on appeal	35
when decided out of order, not	
to proceed in case of objection,	
without leave of the House..	35
shall be liable to the censure	
of the House.....	35
called to order for <i>words spoken</i> in, words spoken to be taken down	
in writing.....	36
if business intervene before, he	
shall not be held to answer.	36
no member shall speak more than once to the same question	
unless by leave or he be the <i>mover, proposer, or introducer</i>	
of the pending proposition.....	37
while member is speaking, no one shall hold private discourse, or	
pass between him and Chair.....	39
not allowed on a motion to <i>excuse from voting</i>	42
not allowed on motions to <i>adjourn</i> , to <i>fix the day</i> to which House	
will adjourn, or <i>lie on the table</i>	48
not allowed on any questions pending the <i>previous question</i> ...	51
not allowed on questions relating to the <i>priority of business</i> ..	113
in Committee of the Whole, <i>may be closed</i>	136
<i>Departments</i> , calls for information from.....	61
list of reports to be made by.....	109
<i>Disorder</i> , in the galleries and lobby	16
<i>Division of the House</i>	4, 41
<i>Division of questions</i> , how made.....	53
to strike out and insert, not divisible.....	51
on internal improvement bills.....	153

	Rule
<i>Divine service</i> , not to be performed in the hall without consent of the Speaker	140
<i>Documents</i> , members to be furnished with an extra set, bound	144
two copies of, to be retained in House library	143
relative to printing extra numbers of (joint rule)	22, 61
<i>Doorkeeper</i> , to be appointed	73
to be sworn to secrecy	74
required to execute 17th rule strictly	20
<i>Duties or taxes</i> , propositions to impose or increase	131, 132

E.

<i>Elections</i> , how to be conducted	11, 12
previous nomination necessary, except where members are eligible	13
votes to be taken <i>viva voce</i>	14
<i>Employees of the House</i> , not to receive extra compensation or act as claim agents	150
<i>Enacting words stricken out</i> , effect of	119
<i>Engraving, Committee on</i> , to be appointed	76
duties of	104
<i>Engrossment</i> to be in a fair round hand	121
<i>Engrossed bills</i> , not to be amended by <i>riders</i>	122
while on their passage between the two houses (joint rule.)	
(See <i>Bills</i> .)	
<i>Enrolled Bills</i> , Committee on, may report at any time	138
to be examined by the committee } provision for the appointment of } (joint rule).	7
the Committee on	
to be signed by the presiding officers of the houses (joint rule)	8
how to be presented to the President, and the time to be noted (joint rule).	9
not to be presented to the President on the last day of session (joint rule)	17
<i>Executive Departments</i> , rules to be observed in calling for information from heads of	61
<i>Executive communications</i> , when to be read	2

	Rule.
<i>Excused from voting, rule relating to being</i>	42
<i>Excused from serving on a committee, a member may be</i>	9
<i>Extra compensation forbidden</i>	150

F.

<i>Fees, against members</i>	64
<i>of Sergeant-at-arms</i>	69
<i>of witnesses</i>	141
<i>Five-minutes rule</i>	34
<i>Fridays, private business to have preference on</i>	29
<i>first and fourth, set apart for bills to which there is no ob-</i> <i>jection</i>	30

G.

<i>Galleries may be cleared in cases of disorderly conduct</i>	16
<i>Governors, admitted in the hall</i>	17
<i>Journals to be sent to</i>	110

H.

Hall of the House of Representatives—

<i>to be under the direction of the Speaker</i>	6
<i>persons who may be admitted within the</i>	17
<i>17th rule to be strictly executed</i>	20
<i>not to be used in the performance of divine service, unless by</i> <i>consent of the Speaker</i>	140
<i>Hour rule</i>	34
<i>Hour at which motion to adjourn is made, to be entered on the Journal</i> ..	49

I.

<i>Index to laws to be made</i>	146
<i>Interested, members not to vote when</i>	40
<i>Internal improvement bills, separate votes may be taken on items of</i> ..	151
<i>Indefinitely postponed, questions not to be resumed which are</i>	52

J.

<i>Jefferson's Manual to govern in certain cases</i>	139
<i>Joint resolutions. (See Bills, which are governed by the same rules.)</i>	
<i>Journal, to be read each day on the appearance of a quorum</i>	1

	Rule.
<i>Journal</i> , to be examined and corrected by the Speaker before it is read	6
every <i>written</i> motion to be entered on, unless withdrawn on same day	44
hour at which motion to adjourn is made to be entered on..	49
name of the member presenting petition or resolution to be entered on	60
copy of, to be sent to the Executive and each branch of State legislatures.....	110
decisions of questions of order to be put together at the end of	111
list of absentees in Committees of the Whole, to be entered on	126
to be printed, indexed, and distributed within 30 days after close of session.....	142

L.

<i>Largest sum and longest time</i> , in filling blanks, question to be first put on	130
<i>Laws</i> to be signed by the Speaker	15
<i>Library of Clerk's office</i> , books to be retained in.....	143
<i>Lie on the table, motion to</i> , precedence of.....	46
no debate on.....	48
<i>one day, what propositions shall</i> ,	
orders, resolutions, or votes requiring the concurrence of the Senate	59
calling on the President or departments for information	61
to print extra numbers	61
for a tax or charge upon the people	131
to rescind or change a standing rule or order	136
notices of bills	114
<i>Lobby</i> may be cleared in cases of disorderly conduct	16

M.

<i>Mace</i> , the symbol of office of the Sergeant-at-arms.....	68
<i>Maps accompanying documents</i> , not to be printed without special order.	148
<i>Meeting of committees</i> , how called	10
<i>Members</i> , Speaker shall call to order	1
excused from serving on more than two committees.....	9
to sit uncovered.....	39
not to visit Clerk's desk while vote is being taken.....	39

	Rule.
<i>Members</i> , not to vote when interested.....	40
must be within the bar to have votes counted	41
names of, to be called alphabetically.....	62
shall vote if in the House when question is put	42
absent at a call of the House	63, 64, 65
not to be absent except by leave, or sick, or unable to attend	66
accounts of, for pay and mileage, to be kept and paid by Sergeant-at-arms.....	70
Committee on Mileage to ascertain and report on mileage of	103
<i>Memorials</i> . (See <i>Petitions</i> .)	
<i>Messages between the two houses</i> , how to be announced and delivered (joint rules)	2, 3
by whom to be sent (joint rule).....	4
<i>from Senate</i> , when considered	27
<i>from President</i> , when read.....	27
<i>Mileage</i> , duty of Committee on.....	103
<i>Morning hour</i> , for reports and resolutions.....	27
no suspension during	136
<i>Motions</i> , question of considering, not to be put unless demanded	5
shall be stated by the Speaker, and, if in writing, read by the Clerk before debate.....	43
shall, in all cases, be reduced to writing, if desired by the Speaker or a member.....	44
<i>written</i> , to be entered on the Journal, unless withdrawn same day.....	44
may be withdrawn at any time before a decision or amend- ment	45
precedence of.....	46, 47, 56, 130
to <i>strike out and insert</i> shall be deemed indivisible.....	53
to <i>strike out</i> being lost, shall preclude neither amendment nor motion to strike out and insert	53
may be committed at pleasure.....	54
to <i>strike out the enacting clause</i> , precedence and effect of....	119
<i>original</i> , in Committee of the Whole	128

N.

<i>Name of member</i> , presenting petitions or resolutions.....	60
<i>Newspapers</i> , reporters to give the names of.....	19

	Rule.
<i>Nomination</i> , cases in which, necessary	13
<i>Notices</i> , of bills, may be given to the Clerk.....	114
bills may be introduced on, when resolutions are called for..	114

O.

<i>Objection days</i> , first and fourth Fridays of each month.....	30
<i>Officers of the House</i> , shall be elected <i>viva voce</i>	14
<i>Order</i> , Speaker shall preserve	2
member in speaking called to, shall sit down, &c	35
if decision in his favor, may proceed—otherwise not	
without leave.....	35
if member called to, for words spoken in debate, words to be	
taken down	36
<i>questions of</i> , Speaker shall decide, subject to appeal	2
Speaker may speak to, in preference to other mem-	
bers	2
arising after previous question, to be decided with-	
out debate	51
to be noted, and put together at the end of the	
Journal	111
<i>of business of the session</i> , all bills, &c., of either House, undis-	
posed of at 1st session, shall resume	
their position after the first six days	
of the 2d session (joint rules)....	21, 22
<i>of business of the day</i>	23, 25, 26, 27
as established by the rules, not to be postponed or changed	
except by a two-thirds vote	136
<i>of the day</i> , when Speaker to proceed to call	27
unfinished business shall have precedence in	58

P.

<i>Parliamentary practice</i> , rules of, comprised in Jefferson's Manual, adopted.	139
<i>Pay of members</i> , by Sergeant-at-arms	70
<i>Personality</i> to be avoided in debate	31
<i>Petitions</i> , when to be called for, and in what order, (for first thirty days	
of session).....	23
to be called for on the first day of the meeting of the House	
of each <i>alternate</i> week	23, 26

	Rule.
<i>Petitions</i> , by whom, and in what manner, to be presented	24
may be presented to the Clerk	24
name of member presenting, to be entered on the Journal .	60
<i>Plurality</i> shall prevail on second ballot for members of committees...	7
<i>Postmaster of the House</i> authorized to be appointed.....	75
<i>Postpone to a day certain</i> , order in which motion is to be entertained.	46
not to be entertained again on same day, or	
at same stage.....	46
or change order of business	136
<i>Postpone indefinitely</i> , order in which motion is to be entertained	46
not to be entertained again on same day, or at	
same stage of proposition.....	46
question not to be acted upon again during the	
session, if motion prevails	52
<i>Precedence</i> , or	
<i>Priority of business</i> , } to be decided without debate.....	113
<i>Precedence</i> of motions.....	46
<i>President</i> , rules to be observed in calling for information from the....	62
manner of presenting bills and resolutions to the (joint rule)..	9
manner of presenting joint addresses to the (joint rule)....	11
no bill or resolution to be presented on the last day of the	
session to the (joint rule)	17
<i>Previous question</i> , order of motion for	46
form and effects of	50
call of the House not in order after second of	50
no debate on	51
<i>Printing</i> , propositions to <i>print extra numbers</i> , to lie on the table one day.	61
to be referred to the Com-	
mittee on (joint rule)..	22
<i>Committee on</i> , duties of, &c. (joint rule).....	22
may report at any time (joint rule).....	20
of bills of the Senate, ordered in the House (joint rule)....	18
<i>Private business</i> to have precedence on Fridays and Saturdays.....	29
such as no objection is made to, to be considered first	
and fourth Fridays of each month	30
<i>Privilege of the floor</i> , who entitled to	17
17th rule to be strictly executed.....	20

Q.

	Rule.
<i>Questions</i> , precedence of.....	46, 47, 56, 130
manner of putting	4
decorum to be observed during the putting of.....	39
division of.....	53
lost, when vote is made a tie by the vote of Speaker.....	12
order in which, to be propounded.....	130
<i>Quorum</i> , upon the appearance of, Journal to be read.....	1
one-fifth of, may order tellers	4
fifteen members may compel the attendance of	65
how compelled in Committee of the Whole.....	125

R.

<i>Reading of a paper</i> , if objected to, may be determined by vote.....	57
<i>Reconsider, motion to</i> , may be made by a member of the majority...	56
must be made on the same or succeeding day.	56
shall take precedence of any motion, except to	
adjourn.....	56
cannot be withdrawn after succeeding day, and	
may be called up by any member.....	56
<i>Refer, motions to</i> , order in which questions to be taken on.....	47
<i>Reporters</i> to be admitted, and have places assigned them by the	
Speaker	18
must state, in writing, for what paper or papers employed.	19
shall not be admitted if engaged as claim agents	19
<i>Reports to be made by the officers of government</i> , list of, to be made out by	
Clerk at the commencement of each session	109
<i>Reports of Committees</i> not acted on at first session, to be acted on	
after the first six days of second session, as	
though no adjournment had taken place (joint	
rules)	21, 22
to be called for after petitions are disposed of	25
may be committed at pleasure.....	54
may be by bill or otherwise	107
<i>Resolutions</i> , when they may be submitted.....	25, 26
only one at a time.....	25
every alternate Monday set aside for.....	26

	Rule.
<i>Resolutions</i> , those giving rise to debate to lie over.....	26
cannot be amended by adding other resolutions.....	55
requiring assent of the Senate, to be laid on the table	
one day before acting on, &c.....	59
calling on executive officers for information, to lie one	
day.....	61
name of member moving.....	60
orders, votes, &c., requiring the President's approbation,	
shall be signed and presented as in cases of bills—see	
<i>Bills</i> (joint rule).....	10
passed one House and lost in the other, notice to be given,	
(joint rule).....	12
not to be presented to the President on the last day of	
the session (joint rule)	17
<i>Riders</i> , engrossed bills not to be amended by.....	122
<i>Rooms</i> , Speaker to dispose of unappropriated.....	147
<i>Rules</i> , how to be amended, rescinded, or suspended.....	136
motion to suspend, may be entertained every Monday, and the	
last twelve days of the session.....	137

S.

<i>Saturday</i> , private bills take precedence on.....	29
<i>Secret session</i> , relating to.....	112
Sergeant-at-arms and Doorkeeper sworn to seereey...	72, 74
<i>Senate</i> , all orders to be laid on the table one day which require the	
assent of the.....	59
bills and resolutions, when to be read.....	27
consider messages from.....	27
messages to and from (joint rule)	5, 6
<i>Sergeant-at-arms</i> to be appointed, and general duties of.....	67
the mace to be borne by, when in the execution of	
his office.....	68
fees of, for making arrest, travelling expenses, &c...	69
shall keep pay and mileage accounts, draw and pay	
over money, &c.....	70
shall give bond, with surety.....	71
shall be sworn to keep the secrets of the House....	72
to pay mileage, upon the report of the Committee on	
<i>Mileage</i>	103

	Rule.
<i>Speaker</i> shall take chair every day at hour to which House adjourned	1
shall preserve order, decide questions of order, subject to appeal, &c.....	2
may speak to points of order in preference to other members	2
shall rise to put a question.....	3
manner in which questions shall be put by.....	4
shall state the result of vote by tellers.....	4
shall examine and correct the Journal before it is read.....	6
shall have a general direction of the hall.....	6
may name member to perform the duties of the Chair for the day.....	6
shall appoint all committees, unless the House direct otherwise.....	7
shall vote in all cases of ballot, and where his vote, if given to the minority, will make a tie.....	12
shall sign all acts, addresses, and joint resolutions.....	15
all writs, warrants, and subpœnas, shall be under the hand and seal of.....	15
shall have power to order the galleries and lobby to be cleared.....	16
may admit stenographers, and assign them places in writing.....	18, 19
petitions handed to the Clerk to be subject to the control of	24
shall name member who is first to speak.....	33
while question is being put by, or he is addressing the House, members to keep their seats, and not hold private conversation.....	39
shall state motions when made and seconded.....	43
to sign checks for pay and mileage of members.....	70
to appoint chairman of the Committee of the Whole.....	125
no person to perform divine service in the hall without consent of.....	140
shall have the control and disposal of the unappropriated rooms on the House side of the Capitol.....	147
<i>Speaker, pro tempore</i> , may be named by the Speaker for the day....	6
<i>Speaker's table, business on</i> , how reached, and manner of disposing of	27
shall be attended to only at time specified in 27th rule.....	28
weekly statement of, to be prepared by Clerk.....	145

	Rule.
<i>Stenographers</i> , relative to.....	18, 19
shall not be admitted if engaged as claim agents	19
<i>Strike out and insert, motions to</i> , indivisible.....	53
<i>Strike out, motion to</i> , being lost, effect of.....	54
<i>Strike out enacting clause, motion to</i> , effect of.....	119
<i>Subpœnas</i> to be signed by the Speaker, &c.....	15

T.

<i>Taxes</i> , &c., respecting the imposition of.....	131, 132
<i>Tellers</i> may be appointed in certain cases.....	4
<i>Tie votes</i> , made so by the vote of the Speaker, defeat the proposition	12

U.

<i>Unfinished business</i> , to have precedence in the orders of the day	58
--	----

V.

<i>Viva voce</i> , election to be held by	
<i>Vote</i> , separate, may be taken on each item of internal improvement bill	151
not to be given by a member who is <i>interested</i> , or <i>without the</i>	
<i>bar</i>	40, 41
every member present shall vote, unless excused	42
to be given <i>viva voce</i> in the election of officers.....	14
<i>Voting</i> , manner of.....	4
who are to be excluded from	40, 41
how members are <i>excused from</i>	42
members <i>not to visit the Clerk's desk</i> while vote is being taken	39

W.

<i>Warrants, writs, &c.</i> , to be signed by the Speaker, &c.....	15
<i>Witnesses</i> , how to be subpœnaed.....	15
fees of, for attendance and mileage.....	141
<i>Writing</i> , motions to be reduced to, if desired.....	44
<i>words excepted to</i> , to be reduced to	36

Y.

<i>Yeas and nays</i> , one.fifth of the members present may order, (Constitution.)	
to be taken alphabetically.....	62
when calling, no one to go near the table	39

RULES FOR CONDUCTING BUSINESS

IN THE

SENATE OF THE UNITED STATES.

RULES FOR CONDUCTING BUSINESS

IN THE

SENATE OF THE UNITED STATES.

1. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate.

3. Every member, when he speaks, shall address the Chair, standing in his place; and, when he has finished, shall sit down.

4. No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate.

5. When two members rise at the same time, the President shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first.

6. When a member shall be called to order by the President, or a senator, he shall sit down; and every

question of order shall be decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.

7. If the member be called to order by a senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better able to judge of the matter.

8. No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And, in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

9. No motion shall be debated until the same shall be seconded.

10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated; and any motion may be withdrawn by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a

motion to reconsider, which shall not be withdrawn without leave of the Senate.

11. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

12. If the question in debate contain several points, any member may have the same divided; but, on a motion to strike out and insert, it shall not be in order to move for a division of the question: but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion, simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

13. In filling up blanks, the largest sum and longest time shall be first put.

14. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

15. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

16. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reason he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays,

and upon the call of the house, the names of the members shall be taken alphabetically.

17. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut.

19. No motion shall be deemed in order, to admit any person or persons whatsoever within the doors of the Senate chamber to present any petition, memorial, or address, or to hear any such read.

20. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

21. When the Senate are equally divided, the Secretary shall take the decision of the President.

22. All questions shall be put by the President of the Senate, either in the presence or absence of the President

of the United States; and the senators shall signify their assent or dissent by answering ay or no.

23. The Vice President, or President of the Senate *pro tempore*, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

24. After the journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial or other paper shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial, or other paper, is presented. And before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

25. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; and all bills reported by a committee shall, after the first reading, be printed for the use of the Senate; but no other paper or document shall be printed for the use of the Senate, without special order.

26. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the constitution, or to which the approbation and signature of the President may be requi-

site, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration, and also reports of committees. A motion to suspend, or to concur in a resolution of the House to suspend the 16th and 17th joint rules, or either of them, shall always be in order, be immediately considered, and be decided without debate.

27. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

28. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, as in committee of the whole, the Vice President, or President *pro tempore*, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole: and the chairman so called shall, during such time, have the powers of a President *pro tempore*.

29. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at a third reading of any bill, resolution, amendment, or motion, unless by unani-

mous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

30. No amendment, proposing additional appropriations, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act, or resolution previously passed by the Senate, during that session, or moved by direction of a Standing Committee of the Senate, or in pursuance of an estimate from the Head of some of the Departments; and no amendment shall be received, whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate.

31. The special orders of the day shall not be called by the Chair before one o'clock, unless otherwise directed by the Senate.

32. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

33. The proceedings of the Senate, when not acting as in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or

paper, presented to the Senate, shall also be inserted on the journal.

34. The following standing committees, to consist of five members each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

A Committee on Foreign Relations.

A Committee on Finance.

A Committee on Commerce.

A Committee on Manufactures.

A Committee on Agriculture.

A Committee on Military Affairs.

A Committee on the Militia.

A Committee on Naval Affairs.

A Committee on Public Lands.

A Committee on Private Land Claims.

A Committee on Indian Affairs.

A Committee of Claims.

A Committee on Revolutionary Claims.

A Committee on the Judiciary.

A Committee on the Post Office and Post Roads.

A Committee on Roads and Canals.

A Committee on Pensions.

A Committee on the District of Columbia.

A Committee on Patents and the Patent Office.

A Committee on Retrenchment, to consist of five members, whose duty it shall be to take into consideration the expenditures of the government in the several departments thereof, and to inquire whether any, and if any, what retrenchment can be made, without injury to the public service; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

A Committee on Territories, to consist of five members.

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate.

A Committee on Public Buildings, to consist of three members, who shall have power also to act jointly with the same committee of the House of Representatives.

A Committee on Printing, to consist of three members, to whom shall be referred every question on the printing of documents, reports, or other matter transmitted by either of the executive departments, and all memorials, petitions, accompanying documents, together with all other matter, the printing of which shall be moved, excepting bills originating in Congress, resolutions offered by any Senator, communications from the legislatures, or conventions lawfully called, of the respective States, and motions to print by order of the standing committees of the Senate; and excepting, also, messages and other communications from the President of the United States, and such reports and communications from the heads of departments as may be made to Congress, or to the Senate, in obedience to law, or in answer to calls from the Senate; and it shall be the duty of such Committee on Printing to report in every case in one day, or sooner, if practicable.

And a Committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of possession of the Senate, and shall deliver the same to the Secretary of the Senate, who shall enter upon the journal that the same have been correctly engrossed.

35. In the appointment of the standing committees, the Senate will proceed, by ballot, severally to appoint the

chairman of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee.

36. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

37. When nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. Nominations neither approved nor rejected during the session at which they are made, shall not be acted upon at any succeeding session without being again made by the President. When the President of the United States shall meet the Senate in the Senate chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

38. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information

only ; when no motion to reject, ratify, or modify the whole, or any part, shall be received. Its second reading shall be for consideration and on a subsequent day ; when it shall be taken up as in committee of the whole, and every one shall be free to move a question on any particular article, in this form : “ Will the Senate advise and consent to the ratification of this article ? ” or to propose amendments thereto, either by inserting or by leaving out words ; in which last case, the question shall be, “ Shall these words stand as part of the article ? ” And in every of the said cases, the concurrence of two-thirds of the senators present shall be requisite to decide affirmatively. And when through the whole, the proceedings shall be stated to the house, and questions shall be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted ; the votes so confirmed shall, by the house, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words ; in which last case, the question shall be, “ Shall these words stand as part of the resolution ? ” And in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as on the final question, to advise and consent to the ratification in the form agreed to.

39. All confidential communications, made by the President of the United States to the Senate, shall be by the members thereof kept secret ; and all treaties which may

be laid before the Senate shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

40. All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

41. When acting on confidential or executive business, the Senate shall be cleared of all persons, except the Secretary, the principal or the executive clerk, the sergeant-at-arms and doorkeeper, and the assistant doorkeeper.

42. The legislative proceedings, the executive proceedings, and the confidential legislative proceedings of the Senate, shall be kept in separate and distinct books.

43. The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate; and all nominations approved, or definitively acted on by the Senate, shall be returned by the Secretary, from day to day, as such proceedings may occur; but no further extract from the executive journal shall be furnished, except by special order; and no paper, except original treaties transmitted to the Senate by the President of the United States, or any executive officer, shall be returned or delivered from the office of the Secretary, without an order of the Senate for that purpose.

44. When an amendment to be proposed to the constitution is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

45. When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

46. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

47. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

48. The following persons, and none others, shall be admitted on the floor of the Senate: members of the House of Representatives, and their Clerk; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Attorney General, and the Postmaster General; the private secretary of the President, chaplains to Congress, judges of the United States, foreign ministers, and their secretaries; officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct in the service of their country, or who have received medals by a vote of Congress; the governor, for the time being, of any State or Territory of the Union; the ex-governors of the several States; the ex-officers of the Senate; such gentlemen as have been heads of departments, or members of either branch of Congress; persons who, for the time being, belong to the respective State and Territorial legislatures; and persons belonging to such legislatures of foreign governments as are in amity with the United States.

49. The presiding officer of the Senate shall have the regulation of such parts of the Capitol and of its passages, as are or may be set apart for the use of the Senate and its officers.

50. Whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report be adopted by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimants shall present a memorial for that purpose, stating in what manner the committee have erred in their report, or that new evidence has been discovered since the report, and setting forth the new evidence in the memorial: *Provided*, That this rule shall not extend to any case where an adverse report, not in writing, shall have been made prior to the 25th of January, 1842.

51. Any officer or member of the Senate convicted of disclosing for publication any written or printed matter directed by the Senate to be held in confidence, shall be liable, if an officer, to dismissal from the service of the Senate, and, in the case of a member, to suffer expulsion from the body.

INDEX

TO THE

RULES OF THE SENATE

OF THE

UNITED STATES.

A.

	No.
<i>Absence</i> from the Senate not allowed without leave	8
without leave, provision for cases of.....	8
<i>Address</i> to the President of the United States, how presented (joint rule)	11
<i>Adherence</i> , effect of a vote of, to a disagreement (joint rule).....	15
<i>Adjournment</i> , motion for, has preference	11
motion for, to be decided without debate.....	11
<i>Admission on the floor</i> , persons entitled to.....	48
motion for, of persons to present or hear read	
any petition, memorial, or address, not in order.	19
<i>Amendments</i> to appropriation bills, restrictions upon	30
to a bill, not to be received at the third reading.....	29
proposed, not to be withdrawn after yeas and nays ordered	10
to a resolution to amend the constitution carried by a ma-	
jority of votes only	44
to bills, conference upon, when the two houses disagree	
(joint rule)	1
<i>Appeal</i> from a decision of the President.....	6
<i>Appropriation bills</i> , amendments to, providing for private claims, not ad-	
missible.....	30
restrictions on making amendments to	30

B.

<i>Ballot</i> , committees, standing, to be appointed by.....	35
<i>Bills</i> may be brought in on not less than one day's notice of intention....	25

	No.
<i>Bills</i> reported shall be printed after the first reading.....	25
shall be read twice before amendment or reference.....	27
shall be read three times on three different days.....	26
on a second reading to be considered as in Committee of the Whole	28
the proceedings upon, at different stages.....	29
final question on all	29
appropriation, certain amendments to, not in order.....	30
titles of, only, and the parts affected by amendment, to be inserted	
on the Journal.....	32
engrossed, committee for their examination	34
on their passage to be on paper (joint rule).....	5
passed by both Houses to be enrolled (joint rule).....	6
enrolled shall be examined by a committee (joint rule).....	7
enrolled shall be signed by the presiding officers of the two Houses	
(joint rule)	8
passed by one House and lost in the other, notice to be given (joint	
rule)	12
passed by one House, rejected by the other, shall not be renewed	
the same session without ten days' notice, and leave of two-thirds	13
when sent from one House to the other, to be accompanied by the	
papers on which founded (joint rule).....	14
passed one House not to be sent to the other for concurrence on	
the three last days of a session (joint rule).....	16
not to be presented to the President the last day of session (joint	
rule).....	17
passed by one House and printed by the other, the number to be	
printed (joint rule).....	18
enrolled and signed by the presiding officers to be presented to the	
President of the United States for approval (joint rule).....	9
resolutions, or reports remaining undetermined at the close of a	
session prior to the last of a Congress, to be resumed six days	
after the commencement of the succeeding session, <i>in statu quo</i>	
(joint rule)	21
<i>Blanks</i> , in filling, the preferred motion.....	13
<i>Business</i> , unfinished, position on special orders.....	15
before the Senate, order of.....	24
certain undetermined, at the close of a first session of Con-	
gress, to be resumed six days after the commencement of	
the next (joint rule).....	21

C.

	No.
<i>Call to order</i> , proceedings upon.....	6, 7
<i>Capitol</i> , spirituous liquors not to be brought within or about (joint rule)	19
parts of, appropriated to the Senate, to be under the regulation	
of their President.....	49
<i>Chair</i> , members speaking shall address the	3
<i>Chairman</i> , powers of, when Senate act as in Committee of the Whole ...	28
<i>Character</i> , (of persons nominated,) remarks concerning, not to be divulged	49
<i>Claim</i> , private, not to be provided for in appropriation bills	30
<i>Claims</i> , the effect of decisions upon.....	50
<i>Commit</i> , motion to, has precedence of motion to amend.....	11
motion to, in order until final passage of bill, resolution, &c....	29
<i>Commitment and amendment</i> , proceedings consequent upon	29
<i>Committee</i> , Joint, on Enrolled Bills, the appointment and duties of (joint	
rule)	7
on Printing, what subject shall be referred to	34
Joint, on the Library (joint rule).....	20
<i>Committees</i> , standing.....	34
standing, chairmen of, to be appointed by a majority of votes	35
how appointed	35
members of, (not the chairmen,) to be chosen by a plurality	35
reports from standing, when received	24
reports of, to lie one day before consideration	26
<i>Committee of the Whole</i> , bills, after second reading, to be considered by	
the Senate as in	28
the Vice President, or President <i>pro tempore</i> ,	
may call a member to fill the chair when the	
Senate are acting as in	28
<i>Communications</i> , confidential, from the President of the United States, to	
be kept secret.....	39
<i>Conference</i> on disagreeing votes, joint rule respecting.....	1
<i>Confidence</i> , violations of, how to be punished	51
<i>Confidential proceedings</i> , to be kept in a separate book	42
<i>Consent</i> , bills may be read three times in one day by unanimous	26
nominations may be considered on the day received by unani-	
mous	37
<i>Constitution</i> of the United States, votes on amendment, short of final....	44
of the United States, proposed amendments to, to be treated	
as bills	26

	No.
<i>Conversation</i> , among members, not allowed during debate, or while the journals and papers are reading	2
D.	
<i>Debate</i> , no member to speak more than twice in the same, on the same day, without leave.....	4
not allowed, on a call to order.....	6
what motions receivable during.....	11
prohibited on a motion to adjourn	11
prohibited on the question whether a paper called for and objected to shall be read	14
prohibited while yeas and nays are calling	16
prohibited on a motion to suspend certain rules, or to consider a resolution of the House to suspend the same.....	26
<i>Division</i> of a question, when may be called for	12
<i>Documents</i> to be printed only by order	25
<i>Doors of Senate</i> , motion to shut, to be discussed with closed doors.....	18
E.	
<i>Enrolled bills</i> to be examined by the committee (joint rule).....	7
provision for the appointment of committee on (joint rule)	7
to be signed by the presiding officers of the two Houses...	8
how to be presented to the President of the United States, and the time to be noted (joint rule).....	9
not to be presented to the President the last day of session (joint rule).....	17
<i>Executive record</i> , extraets from, prohibited.....	43
<i>Executive proceedings</i> to be kept in a separate book	42
<i>Expulsion</i> , a case for	51
F.	
<i>Floor of the Senate</i> , the persons entitled to admission on the.....	48
G.	
<i>Galleries</i> , when they shall be cleared.....	18
I.	
<i>Information</i> , or remarks, concerning the character or qualifications of persons nominated to be kept secret.....	40

	No.
<i>Intoxicating liquors</i> , not to be offered for sale, or exhibited, within the Capitol or adjacent public grounds.....	19

J.

<i>Joint rules</i>	16, 17
<i>Journal</i> , to contain proceedings of Senate when not acting as in Committee of the Whole	33
to be read for correction after a quorum shall have assembled..	1
to contain the titles only of bills, and the parts affected by proposed amendments	32
every vote of the Senate to be entered on.....	33
to be as concise as possible	33
a brief statement of every memorial, petition, and paper to be entered on.....	33

L.

<i>Leave</i> to bring in a bill, one day's previous notice of intention to ask for, required.....	25
may be given to withdraw	10
no member to speak more than once in one debate without	4
<i>Leave of absence</i> from the service of the Senate to be asked	8
<i>Library</i> , Joint Committee on (joint rule).....	20
<i>Lie on the table</i> , motion to, has preference next after motion to adjourn..	11
<i>Liquors</i> , intoxicating, their sale or exhibition prohibited in the Capitol or the adjacent public grounds (joint rule).....	19

M.

<i>Members</i> prohibited from speaking to each other during debate.....	2
present, empowered to send for absent members	8
<i>Member</i> , when he speaks, shall address the Chair.....	3
whilst speaking, shall stand in his place.....	3
after speaking, shall sit down.....	3
to speak no more than twice the same day, in one debate, without leave of the Senate.....	4
first rising and addressing the Chair, shall speak first.....	5
called to order by the President or a Senator, shall sit down...	6
words of, shall be taken down, when a call to order has been made by a Senator	7
shall not absent himself from the service of the Senate without leave	8

	No.
<i>Member</i> , absent, proceedings to enforce attendance.....	8
sent for, shall be subject to the expense, unless excused.....	8
may desire a motion to be reduced to writing	10
may have a question divided, if susceptible of division.....	12
required to vote when yeas and nays are called.....	16
not allowed to vote after decision by yeas and nays is announced	17
liable to expulsion for violation of confidence.....	51
<i>Memorial or petition</i> , contents of, shall be stated before received and read	24
when received.....	24
how referred.....	24
contents of, to be entered on the Journal.....	33
<i>Messages</i> between the two Houses, how to be announced and delivered	
(joint rules).....	2, 3
by whom to be sent (joint rule).....	4
<i>Messengers</i> , when not to be introduced	47
<i>Mistakes</i> in the Journal to be corrected at the specified time.....	1
<i>Motion</i> not to be debated until seconded	9
made and seconded, shall, if desired, be reduced to writing, and	
read before debated	10
any, except a motion to reconsider, may be withdrawn before a	
decision, amendment, or ordering of yeas and nays	10
to reconsider, may be withdrawn by leave of the Senate	10
to adjourn, has preference	11
to adjourn, to be decided without debate.....	11
privileged, what shall be, when a subject is under debate	11
privileged, in filling blanks	13
privileged, in reference to select or standing committees.....	36
to strike out and insert, indivisible	12
to strike out or to insert, may be made separately.....	12
to close the galleries, to be discussed confidentially.....	18
to admit persons for the purpose of presenting a memorial, not in	
order	19
to reconsider, not in order after the subject matter has gone out	
of the possession of the Senate	20
to reconsider, not in order unless made within the two next days	
of actual session after the decision.....	20
to reconsider, to be made by one of the prevailing side, and de-	
cided by a majority of votes.....	45
<i>Motions</i> , order of precedence among	11

N.

	No.
<i>Newspapers</i> not to be read while a member is speaking, nor during the reading of the Journal or public papers.....	2
<i>Nominations</i> , proceedings on.....	37
not to be considered on the day received, unless by consent	37
not finally acted on during the session to fall.....	37
<i>Notice</i> of one day required of an intended motion for leave to bring in a bill	25
of ten days required for renewal during the same session of bill or resolution passed by one House and rejected by the other (joint rule).....	13

O.

<i>Officers of the Senate</i> , liable to dismissal for the violation of confidence....	51
<i>Order</i> , interruptions of	2
<i>Order of business</i>	24
<i>Order, questions of</i> , to be decided by the President without debate	6
after a decision by the President, subject to an appeal	6
President may take the sense of the Senate on.....	6
<i>Order</i> , upon a call to, for words spoken, the exceptionable words shall be taken down.....	7
<i>Orders, resolutions, and votes</i> which shall be presented to the President, to receive the same formalities as bills (joint rule).....	10
<i>Orders of the day</i> , special, not to be called before one o'clock	31
unfinished business has preference in.....	15

P.

<i>Papers and documents</i> , (except reported bills,) to be printed only by order.....	25
<i>Persons</i> not admitted to present address or memorial, &c.	19
<i>Petition</i> , contents to be stated when presented, and before reception....	24
when received	24
how referred	24
contents of, to be entered on the Journal.....	33
<i>Plurality</i> of votes only requisite in the appointment of members of a committee	36
<i>Postpone indefinitely</i> , motion to, has precedence of a motion to postpone to a day certain	11
<i>Precedence</i> among motions	11

	No.
<i>President</i> of the Senate to be addressed by a member rising to speak.....	16
to decide when two or more rise at the same time to speak...	5
to decide questions of order.....	6
may call for the sense of the Senate on a question of order.....	6
may desire a motion to be reduced to writing.....	10
shall direct the gallery to be cleared on a motion to shut the doors	18
to decide the question on an equal division of the Senate.....	21
decision of, to be taken by the Secretary	21
shall put all questions.....	22
or President <i>pro tempore</i> , may name a member to perform tem- porarily the duties of the Chair.....	23
or President <i>pro tempore</i> , may appoint a chairman to preside while the Senate are acting as in Committee of the Whole..	23
to give notice of the several readings of bills.....	26
to have the regulation of the parts of the Capitol appropriated to the Senate and their officers.....	49
<i>President of the United States</i> , the presentation to, of bills and resolutions (joint rule)	9
forms to be observed when he meets the Senate	37
manner of presenting joint addresses to...	11
to be assigned the President's chair when attending the deliberations of the Senate	37
shall be furnished with transcript of execu- tive record.....	43
all nominations, when acted on, shall be returned to	43
<i>Printing</i> of bills, joint rule relating to.....	18
duties of Committee on.....	34
<i>Private claim</i> , amendment providing for, not in order in a general appro- priation bill.....	30
<i>Privilege of admission to the floor</i> , the persons entitled to the	48
<i>Privileged motions</i> , when a question is under debate	11
on a question of reference.....	36

Q.

<i>Question</i> under debate, when and by what motions superseded.....	11
equivalent, what shall <i>not</i> be.....	12

INDEX TO THE RULES OF THE SENATE. 147

	No.
<i>Question</i> under debate may be divided	12
to be decided aye or no	22
to be put by the President of the Senate.....	22
on amending the constitution, short of main question, to be de- termined by the majority.....	44
<i>Quorum</i> being present, the journal shall be read.....	1
proceedings when a less number shall have assembled than a...	8
R.	
<i>Ratification of treaties</i> , proceedings in	38
<i>Reading newspapers</i> prohibited while the journals or public papers are reading or a member speaking.....	2
of a paper called for and objected to, to be decided by the Senate without debate	14
<i>Reconsideration</i> , motion for, may be made by one of the majority.....	20
motion for, must be made within two days after vote...	20
motion for, must be made before the subject matter is out of possession of the Senate.....	20
motion for, to be decided by a majority of votes, although the question reconsidered was one requiring for its passage the affirmative vote of two-thirds.....	45
<i>Record</i> , executive, extracts from, prohibited	42
<i>Reference</i> of petitions, how made.....	24
<i>Reports</i> of standing committees, how received.....	24
of committees to lie one day for consideration.....	26
in writing, adverse to a claim, to preclude its renewal.....	50
<i>Reports</i> not finally acted on, to be resumed at a succeeding session of the same Congress (joint rule)	21
<i>Resolutions</i> requiring the approbation of the President, or proposing amendments to the constitution, or granting money, to be treated as bills.....	26
all others to lie one day for consideration.....	26
on third reading to be amended only by consent.....	29
reports or bills remaining undetermined at a session pre- ceding the last of a Congress to be resumed at the next, <i>in statu quo</i> (joint rule).....	21
engrossed, recommitted, and reported, to be again read a second time	29
final question on	29

	No.
<i>Resolutions</i> , orders, votes, &c., requiring the President's approbation, shall be signed and presented, as in case of bills— <i>see</i> <i>bills</i> (joint rule)	10
passed by one House, and lost in another, notice to be given (joint rule)	12
not to be presented to the President of the United States the last day of a session	17
resumption of, at a succeeding session (joint rule)	21
<i>Retrenchment</i> , Committee on, duty of.....	34

S.

<i>Second reading</i> , bills on, to be considered as in Committee of the Whole, unless otherwise ordered	28
what shall be the final question upon.....	28
<i>Secrecy</i> enjoined on confidential communications by the President.....	39
enjoined on information or remarks concerning the persons nomi- nated	40
enjoined on treaties.....	39
<i>Secretary</i> to endorse the bills passed, &c.....	46
to take the decision of the President when the Senate are equally divided.....	21
to receive engrossed bills from the committee after examination	34
to furnish the President with transcripts of executive journal...	43
to attend and take minutes when the Senate shall be convened by the President to any other place than their chamber	37
to make returns, from day to day, on nominations	43
to return or deliver no paper, except original treaties, without an order of the Senate	43
to furnish no extract from executive journal without special or- der	43
to send messages to the House of Representatives.....	46
<i>Senate</i> , proceedings of, when a number less than a quorum shall have as- sembled	8
sense of, may be demanded by the President on a question of or- der	6
proceedings of, to be entered concisely on the journal	33
ceremonial proceedings of, when met by the President of the United States at any other place than the Senate chamber....	37

	No.
<i>Senate</i> , relating to the executive proceedings of	{ 37 38 39 40 41
the persons admitted when engaged in executive and confidential business	41
the executive proceedings of, to be recorded in a separate book..	42
the legislative proceedings of, to be recorded in a separate book..	42
the confidential and legislative proceedings of, to be recorded in a separate book	42
votes of, to be entered on the Journal	34
transcript from executive record of, in what cases furnished.....	53
contents of memorials and petitions presented to, to be entered on the Journal.....	33
shall be cleared of all persons, except their officers, when acting on executive business	41
messages to and from (joint rules).....	2, 3
<i>Senator</i> liable to expulsion for a violation of confidence.....	51
<i>Senators</i> to be called alphabetically.....	16
shall signify assent or dissent by answering aye or no.....	22
<i>Sergeant-at-arms</i> may be sent for absent members.....	8
<i>Sixteenth and seventeenth joint rules</i> , motion to suspend, or to concur in a resolution of the House to suspend, always in order	26
such motion to be immediately considered and decided without debate	26
<i>Speaking</i> among the members during debate or the reading of the Journal or papers prohibited.....	2
more than twice in one day, on the same subject, without leave, prohibited	4
<i>Special orders</i> , not to be called before one o'clock.....	31
<i>Strike out</i> , rejection of motion to, does not prevent subsequent motion to strike out and insert.....	12
<i>Strike out and insert</i> , motion to, not divisible	12
effect of rejection of one motion to	12
rejection of motion to, does not prevent subsequent motion simply to strike out	12

150 INDEX TO THE RULES OF THE SENATE.

	No.
<i>Substitute</i> in the chair, duration of his appointment	23
<i>Sum</i> , largest, to be first put in filling blanks.....	13
T.	
<i>Time</i> , longest, first put in filling blanks.....	13
<i>Titles</i> of bills, and parts affected by amendments, to be inserted on the Journal.....	32
<i>Treaties</i> , proceedings on.....	38
amendments to, to receive the vote of two-thirds.....	38
to be kept secret until injunction shall be removed.....	39
<i>Two-thirds</i> , vote of, when required.....	38
joint rule	13
U.	
<i>Unfinished business</i> has preference in special orders.....	15
at the close of a first session of Congress, to be re- sumed at the second or subsequent (joint rule)....	21
V.	
<i>Vice President</i> , or President <i>pro tempore</i> , may appoint a chairman.....	23
<i>Vote</i> , every, to be entered on the journal	33
after a, by yeas and nays, and the announcement of decision, no one allowed to vote	17
W.	
<i>Words</i> , exceptionable, shall be taken down on a call to order by a senator	7
Y.	
<i>Yeas and nays</i> , one-fifth of the senators present may demand.....	16
to be called alphabetically	16
each member called upon required to vote, unless excused	16
debate to terminate after the call has been commenced..	16
after being called, and the result has been announced, no member allowed to vote.....	17
the ordering of, on a motion, precludes the mover from withdrawing such motion without the consent of the Senate	10

LIBRARY OF CONGRESS



0 027 272 957 8